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H. Allan Teal
Deputy Attorney General

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l'Administration
de la Justice**



very truly,
CROWN COUNSEL

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June 7, 1979

Mr. H. Allan Leal
Deputy Attorney General
18 Floor
18 King Street East
Toronto, Ontario

Dear Mr. Leal:

On behalf of those with whom we have worked, we are pleased to submit this report to you and your colleagues, the Deputy Ministers, which you asked us to prepare on your behalf. In compiling the material contained herein we have worked with representatives of all of the ministries and departments responsible for Crown Counsel in Canada and with the Co-ordination Officers of the National Task Force.

We trust that this report assists the National Task Force on the Administration of Justice to achieve its objectives.

Yours very truly,

CROWN COUNSEL

M. S. Fitzpatrick
Deputy Director of Courts Administration
and Inspector of Legal Offices

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Toronto, Ontario
M5C 1C5

June 7, 1979

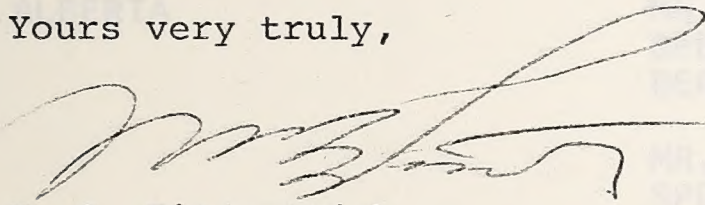
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M. S. Fitzpatrick
Deputy Director of Courts Administration
and Inspector of Legal Offices

MSF/ED

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DEPARTMENT OF JUSTICE

MR. DAN PREFONTAINE
DIRECTOR OF POLICY PLANNING
(& CO-ORDINATOR, LAW REFORM
IMPLEMENTATION).

BRITISH COLUMBIA

MR. BARRY SADLER
PROGRAM ANALYST
CORRECTIONS BRANCH
MINISTRY OF THE ATTORNEY GENERAL

MR. AB THORVALDSON
DIRECTOR OF RESEARCH
MINISTRY OF THE ATTORNEY GENERAL

ALBERTA

MR. S. NAHIRNEY
SPECIAL PROJECTS OFFICER
DEPARTMENT OF THE ATTORNEY GENERAL

MR. TOM ROACH
SPECIAL PROJECTS OFFICER
DEPARTMENT OF THE ATTORNEY GENERAL

SASKATCHEWAN

MR JEFF BUGERA
ASSISTANT DEPUTY MINISTER -
ADMINISTRATION
DEPARTMENT OF THE ATTORNEY GENERAL

MR PAUL MCPHIE
SPECIAL PROJECTS OFFICER
DEPARTMENT OF THE ATTORNEY GENERAL

MANITOBA

MR. P. THOR GUTTORMSSON
ADMINISTRATOR OF COURT SERVICES
DEPARTMENT OF THE ATTORNEY GENERAL

✓ / QUEBEC

MR. GILLES LETOURNEAU
DIRECTOR OF PLANNING
MINISTERE DE LA JUSTICE

MR. LUCIEN LEBLANC
MINISTERE DE LA JUSTICE

MR. CLAUDE GANTHIER
ADJOINT ADMINISTRATIF PAR INTERIM
MINISTERE DE LA JUSTICE

NOVA SCOTIA

MR. GORDON S. GALE
DIRECTOR (CRIMINAL)
DEPARTMENT OF THE ATTORNEY GENERAL

MR. A. E. RENNIE
CO-ORDINATOR OF ACCOUNTING
AND ADMINISTRATIVE SERVICES
DEPARTMENT OF THE ATTORNEY GENERAL

NEW BRUNSWICK

MR. TOM O. C. MAKIN
DIRECTOR OF RESEARCH AND PLANNING
DEPARTMENT OF JUSTICE

P.E.I.

MR. IAN BAILEY
DEPARTMENTAL SOLICITOR
DEPARTMENT OF JUSTICE

NEWFOUNDLAND

MR. JOHN CUMMINGS
SOLICITOR
DEPARTMENT OF JUSTICE

NORTHWEST TERRITORIES

MR. PIERRE ASSELIN
REGIONAL DIRECTOR
DEPARTMENT OF JUSTICE

NATIONAL TASK FORCE ON THE
ADMINISTRATION OF JUSTICE

MR. FRANCIS J. PREVOST
EXECUTIVE DIRECTOR

MR. JOHN DOGHERTY
CO-ORDINATOR/ANALYST

MS. ISABEL D. HARRISON
ADMINISTRATIVE ASSISTANT

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NATIONAL TASK FORCE ON THE ADMINISTRATION OF JUSTICECROWN COUNSEL INFORMATIONINTRODUCTION

IN EARLY 1976, THE PROVINCIAL ATTORNEYS GENERAL DECIDED TO CREATE A NATIONAL TASK FORCE ON THE ADMINISTRATION OF JUSTICE SPECIFICALLY TO GATHER INFORMATION RESPECTING POLICE, CROWN COUNSEL, LEGAL AID, COURTS, CORRECTIONS, JUVENILE SERVICES AND PRE-TRIAL SERVICES. THE PROVINCE OF ONTARIO WAS GIVEN RESPONSIBILITY TO GATHER CROWN COUNSEL INFORMATION FOR THE TASK FORCE REPORT WHICH WAS EVENTUALLY PRESENTED TO THE ~~ATTORNEYS~~ ^{DEPUTY} GENERAL WHILE MEETING IN TORONTO OCTOBER 6-7, 1977. THE REPORT WAS REVIEWED BY THE RESPECTIVE PROVINCES AND THE FEDERAL DEPARTMENTS OF JUSTICE AND SOLICITOR GENERAL AND IN JUNE, 1978, IT WAS AGREED TO EXTEND THE LIFE OF THE TASK FORCE UNTIL SPRING OF 1979 TO DEVELOP ADDITIONAL MATERIAL. SPECIFICALLY, THE CROWN COUNSEL INFORMATION WOULD BE UP-DATED TO MARCH 31ST, 1978, UNDER ORGANIZATION STATISTICAL DATA AND SPECIAL TOPICS.

ONTARIO'S MANDATE WAS INCREASED TO INCLUDE MATERIAL FROM THE YUKON TERRITORY AND NORTHWEST TERRITORIES COURTS SYSTEMS AND THE CROWN COUNSEL SERVICES OF THE FEDERAL GOVERNMENT. IN THE PREPARATION OF THIS INFORMATION, ONTARIO HAS UTILIZED EXISTING DATA AND MATERIAL FROM ANNUAL AND SPECIAL REPORTS FROM RESPECTIVE JURISDICTIONS AS WELL AS INFORMATION IN THE ORIGINAL TASK FORCE REPORT. SPECIFIC QUESTIONNAIRES WERE ALSO PREPARED AND COMPLETED TO SUPPLEMENT AND REFINE SOME OF THE EXISTING INFORMATION.

THE CROWN COUNSEL INFORMATION HAS BEEN PREPARED IN A MANNER WHICH WILL PROVIDE AN OVERVIEW OF THE VARIOUS CROWN COUNSEL SYSTEMS IN CANADA. A GOOD DEAL OF THE INFORMATION RELATING TO EXPENDITURES HAS BEEN SET OUT IN TABULAR FORM SO AS TO PROVIDE A READY REFERENCE TO THE READERS. IT IS OF PARTICULAR IMPORTANCE TO THOSE INTERESTED IN DETERMINING HOW FINANCIAL RESOURCES OF THE RESPECTIVE LEVELS OF GOVERNMENT ARE ALLOCATED TO CROWN COUNSEL SERVICES IN CANADA. THERE HAS BEEN NO ATTEMPT TO IDENTIFY CAPITAL EXPENDITURES BECAUSE OF THE INABILITY OF MOST JURISDICTIONS TO PROVIDE THAT INFORMATION.

THE CROWN COUNSEL REPORT IS INTENDED TO PROVIDE UP-TO-DATE STATISTICAL, FINANCIAL AND ORGANIZATIONAL INFORMATION ON CROWN COUNSEL SERVICES IN EACH OF THE TEN PROVINCES AND THE TWO TERRITORIES WHETHER THAT SERVICE IS PROVIDED BY THE PROVINCIAL OR THE FEDERAL GOVERNMENTS. THE INFORMATION GATHERED IS QUANTITATIVE ONLY AND QUALITATIVE MEASURES HAVE NEITHER BEEN DEVELOPED NOR APPLIED.

SPECIFICALLY, THE REPORT PROVIDES STATISTICAL INFORMATION ON MANPOWER RESOURCES AND EXPENDITURES OF FEDERAL AND PROVINCIAL CROWN COUNSEL. DATA FOR MUNICIPAL PROSECUTORS ARE INCLUDED ONLY WHEN THEY PROSECUTE MATTERS UNDER THE CRIMINAL CODE OF CANADA.

OVERVIEW

THE RESPONSIBILITY FOR PROVIDING CROWN COUNSEL SERVICES IS DIVIDED BETWEEN THE PROVINCIAL AND FEDERAL GOVERNMENTS. THE FEDERAL GOVERNMENT, IN GENERAL, RETAINS PROSECUTORIAL RESPONSIBILITY FOR FEDERAL STATUTES WITH THE SPECIFIC EXCEPTION OF PROSECUTIONS UNDER THE CRIMINAL CODE OF CANADA AND THE JUVENILE DELINQUENTS ACT.

THE PROVINCES HAVE A BASIC RESPONSIBILITY FOR THE PROSECUTION OF OFFENCES UNDER THE CRIMINAL CODE OF CANADA, THE JUVENILE DELINQUENTS ACT AND ALL PROVINCIAL STATUTES. THERE ARE SOME MUNICIPAL GOVERNMENTS, NOTABLY IN SASKATCHEWAN AND QUEBEC, WHICH PROSECUTE MATTERS UNDER THE CRIMINAL CODE OF CANADA.

WHILE POLICE OFFICERS ACROSS THE COUNTRY ARE GENERALLY NOT INVOLVED IN THE PROSECUTION OF CRIMINAL CODE OR OTHER FEDERAL OFFENCES AS CROWN COUNSEL, THE ROYAL CANADIAN MOUNTED POLICE DO UNDERTAKE SOME PROSECUTIONS IN THIS AREA IN SOME PROVINCES.

IN THE PROVINCES OF NEW BRUNSWICK, QUEBEC, PRINCE EDWARD ISLAND AND BRITISH COLUMBIA, THE R.C.M.P. DO NOT PROSECUTE UNDER ANY CIRCUMSTANCES.

IN MANITOBA, ALBERTA AND NOVA SCOTIA, IN VERY ISOLATED CASES WHERE GUILTY PLEAS ARE BEING ENTERED, R.C.M.P. MEMBERS WILL READ THE CIRCUMSTANCES OF THE CASE IF THE CROWN PROSECUTOR IS ABSENT. ?

THROUGHOUT ONTARIO, R.C.M.P. OFFICERS PROSECUTE MOST CONTESTED CASES UNDER THE INCOME TAX ACT, AND LESS COMPLICATED CASES UNDER THE MIGRATORY BIRD CONVENTION ACT OR THE CANADA SHIPPING ACT. HOWEVER, THESE AMOUNTED TO ONLY 534 CASES IN 1977-78. f

SASKATCHEWAN R.C.M.P. MEMBERS USUALLY PROSECUTE CRIMINAL CODE AND FEDERAL STATUTE CASES IN MAGISTRATE'S COURT WHERE GUILTY PLEAS ARE ENTERED AND THEY SPEAK TO ADJOURNMENTS.

ALL DETACHMENTS THROUGHOUT SASKATCHEWAN GENERALLY PROSECUTE CONTESTED PROVINCIAL STATUTE CASES UNLESS THE CASE IS PARTICULARLY SERIOUS OR COMPLEX.

IN NEWFOUNDLAND THE NEWFOUNDLAND CONSTABULARY PROSECUTE PROVINCIAL STATUTES AND MINOR JUVENILE DELINQUENCY CASES. THE NEWFOUNDLAND CONSTABULARY OPERATES ONLY IN THE CITY OF ST. JOHNS. IN THE REMAINDER OF THE PROVINCE, MEMBERS OF THE R.C.M.P. PROSECUTE ALL PROVINCIAL STATUTES, AND ALL BUT THE MOST SERIOUS CHARGES UNDER FEDERAL STATUTES, CRIMINAL CODE AND THE JUVENILE DELINQUENTS ACT. A NUMBER OF PART-TIME POLICE PROSECUTORS ARE EMPLOYED AT LARGE DETACHMENTS ON A ROTATIONAL BASIS.

IN THE YUKON TERRITORY, R.C.M.P. OFFICERS PROSECUTE ALL LIQUOR, TRAFFIC AND JUVENILE DELINQUENCY CASES UNLESS THE DEFENDANT IS REPRESENTED BY COUNSEL. THERE ARE NO FULL OR PART-TIME POLICE PROSECUTORS AND THE CROWN ATTORNEY PROSECUTES ALL CRIMINAL CODE AND FEDERAL STATUTE CASES.

IN THE NORTHWEST TERRITORIES, R.C.M.P. MEMBERS HANDLE THE MAJORITY OF CASES IN THE SETTLEMENTS AS MOST ARE SUMMARY CONVICTION CASES HEARD BEFORE JUSTICES OF THE PEACE. THERE ARE NO LEGAL COUNSEL AVAILABLE ON A PERMANENT BASIS OTHER THAN YELLOWKNIFE, HAY RIVER, FROBISHER BAY ETC. CROWN COUNSEL TRAVELS WITH THE COURT PARTY IN ALL SUCH SCHEDULES. WHERE A SERIOUS CASE REQUIRES A TERRITORIAL JUDGE OR JUDGE OF THE SUPREME COURT TO HOLD COURT IN A SMALL SETTLEMENT WHERE COURT IS NOT NORMALLY HELD, THE APPROPRIATE CROWN COUNSEL ACCOMPANIES THE PARTY AND HANDLES THE PROSECUTION OF THE CASE BEING HEARD.

SUMMARY: ORGANIZATION

WHILE MOST PROVINCIAL CROWN COUNSEL SERVICES ARE ORGANIZED IN A SIMILAR MANNER, THERE ARE SOME VARIATIONS BETWEEN PROVINCES. THEREFORE, THE FOLLOWING SUMMARY NARRATIVE WILL EXPLORE THE STRUCTURE OF EACH OF THE PROVINCIAL CROWN COUNSEL ORGANIZATIONS. MORE COMPREHENSIVE ORGANIZATION OUTLINES ARE INCLUDED IN DETAILED SECTIONS OF THE REPORT REFERRING TO EACH PROVINCE, TERRITORY AND THE FEDERAL GOVERNMENT.

BRITISH COLUMBIA

BRITISH COLUMBIA APPOINTS CROWN COUNSEL FOR SPECIFIC GEOGRAPHICAL AREAS SUCH AS COUNTIES AND DISTRICTS, SUPPLEMENTING THOSE CROWN COUNSEL WITH PRACTISING LAWYERS EMPLOYED AS AD HOC COUNSEL. BRITISH COLUMBIA DOES NOT HAVE A CENTRAL POOL OF CROWN COUNSEL FOR THE ENTIRE PROVINCE, NOR DO THEY HAVE A CENTRAL POOL OF CROWN COUNSEL FOR SPECIAL PROSECUTIONS OR PROVINCE-WIDE OFFENCES.

CROWN COUNSEL REPORT TO THE ATTORNEY GENERAL THROUGH THE DEPUTY ATTORNEY GENERAL AND A DIRECTOR OF CRIMINAL LAW.

IN INDICTABLE APPEALS THE CROWN MAY BE REPRESENTED BY CROWN COUNSEL, COUNSEL FROM A SEPARATE APPEAL SECTION, OR BY SOME OTHER COUNSEL.

ALBERTA

ALBERTA HAS FULLTIME CROWN COUNSEL IN 9 LOCATIONS. IN TWO LOCATIONS RETAINER AGENTS ARE EMPLOYED. IN ADDITION A LIMITED NUMBER OF LAWYERS ARE EMPLOYED AS AD HOC CROWN COUNSEL. ALBERTA DOES NOT HAVE A CENTRAL POOL OF CROWN COUNSEL FOR PROVINCE-WIDE OFFENCES; HOWEVER, THEY DO HAVE A CENTRAL POOL OF CROWN COUNSEL FOR SPECIAL PROSECUTIONS.

CROWN COUNSEL IN ALBERTA REPORT TO THE ATTORNEY GENERAL THROUGH THE DEPUTY ATTORNEY GENERAL, A DIRECTOR OF CRIMINAL JUSTICE, AND A SUPERVISORY CROWN ATTORNEY.

IN INDICTABLE APPEALS THE CROWN IS REPRESENTED BY EITHER THE CROWN COUNSEL WHO APPEARED AT TRIAL, OR SOME OTHER COUNSEL, BUT IS NOT REPRESENTED BY COUNSEL FROM A SEPARATE APPEAL SECTION.

SASKATCHEWAN

SASKATCHEWAN APPOINTS CROWN COUNSEL FOR SPECIFIC GEOGRAPHICAL AREAS. IN ADDITION, THEY HAVE A CENTRAL POOL OF CROWN COUNSEL FOR THE ENTIRE PROVINCE WHO ARE USED AS BACK-UP WHEN NECESSARY. PRACTISING LAWYERS ARE ALSO EMPLOYED AS AD HOC CROWN COUNSEL IN ADDITION TO THE ABOVE-MENTIONED FULLTIME CROWN COUNSEL.

SASKATCHEWAN DOES NOT HAVE A CENTRAL POOL OF CROWN COUNSEL FOR SPECIAL PROSECUTIONS OR PROVINCE-WIDE OFFENCES.

CROWN COUNSEL REPORT TO THE ATTORNEY GENERAL THROUGH THE DEPUTY ATTORNEY GENERAL, A DIRECTOR OF PUBLIC PROSECUTIONS, A DIRECTOR OF CROWN ATTORNEYS, AND A SUPERVISORY CROWN ATTORNEY.

IN INDICTABLE APPEALS THE CROWN IS REPRESENTED BY A SEPARATE APPEAL SECTION.

MANITOBA

MANITOBA ALSO APPOINTS CROWN COUNSEL FOR SPECIFIC GEOGRAPHICAL AREAS. THERE IS NO CENTRAL POOL OF CROWN COUNSEL FOR THE ENTIRE PROVINCE, AND PRACTISING LAWYERS ARE EMPLOYED AS AD HOC CROWN COUNSEL ON A VERY INFREQUENT BASIS.

MANITOBA HAS A CENTRAL POOL OF CROWN COUNSEL FOR SPECIFIC PROSECUTIONS, BUT NOT FOR PROVINCE-WIDE OFFENCES, AND, AS WITH ALL OTHER PROVINCIAL ORGANIZATIONS, CROWN COUNSEL ARE NOT TOTALLY AUTONOMOUS.

CROWN COUNSEL REPORT TO THE ATTORNEY GENERAL THROUGH THE DEPUTY ATTORNEY GENERAL, A DIRECTOR OF PUBLIC PROSECUTIONS, AND A SUPERVISORY CROWN ATTORNEY.

IN ADDITION TO THE ABOVE-MENTIONED PERSONS, THERE IS A SENIOR CROWN ATTORNEY FOR THE CITY OF WINNIPEG.

IN INDICTABLE APPEALS THE CROWN IS USUALLY REPRESENTED BY COUNSEL FROM A SEPARATE APPEAL SECTION. HOWEVER, OCCASIONALLY THE CROWN COUNSEL AT TRIAL WILL REPRESENT THE CROWN.

ONTARIO

ONTARIO APPOINTS CROWN COUNSEL FOR SPECIFIC GEOGRAPHICAL AREAS, AND HAS A CENTRAL POOL OF CROWN COUNSEL WHO CAN COVER THE ENTIRE PROVINCE. IN ADDITION TO FULLTIME CROWN COUNSEL, ONTARIO EMPLOYS PRACTISING LAWYERS AS AD HOC CROWN COUNSEL IN ADDITION TO THEIR REGULAR STAFF.

THE CENTRAL POOL OF CROWN COUNSEL IS USED FOR SPECIAL PROSECUTIONS AND PROVINCE-WIDE OFFENCES.

ORGANIZATIONALLY THE CROWN COUNSEL REPORT TO THE ATTORNEY GENERAL THROUGH THE DEPUTY ATTORNEY GENERAL AND AN ASSISTANT DEPUTY ATTORNEY GENERAL AND DIRECTOR OF CRIMINAL LAW. CROWN ATTORNEYS REPORT TO THE DEPUTY DIRECTOR OF CRIMINAL LAW AND DIRECTOR OF CROWN ATTORNEYS. A CENTRAL POOL OF CROWN COUNSEL REPORT TO THE DIRECTOR OF CRIMINAL LAW THROUGH A DIRECTOR OF THE CROWN LAW OFFICE - CRIMINAL.

ALL INDICTABLE APPEALS ARE HANDLED BY COUNSEL FROM THE SEPARATE APPEAL SECTION.

QUEBEC

THE PROVINCE OF QUEBEC APPOINTS CROWN COUNSEL FOR SPECIFIC GEOGRAPHICAL REGIONS AND SUPPLEMENTS THOSE CROWN COUNSEL BY EMPLOYING PRACTISING LAWYERS AS AD HOC CROWN COUNSEL.

QUEBEC, LIKE ONTARIO, HAS A CENTRAL POOL OF CROWN COUNSEL FOR SPECIAL PROSECUTIONS AND PROVINCE-WIDE OFFENCES.

CROWN COUNSEL IN QUEBEC REPORT TO THE ATTORNEY GENERAL THROUGH THE DEPUTY ATTORNEY GENERAL, A DIRECTOR OF CROWN ATTORNEYS, AND A CHIEF OF CROWN ATTORNEYS. IN INDICTABLE APPEALS THE CROWN IS REPRESENTED BY CROWN COUNSEL AT TRIAL.

NEW BRUNSWICK

NEW BRUNSWICK ALSO APPOINTS CROWN COUNSEL FOR SPECIFIC GEOGRAPHICAL AREAS, HOWEVER, NEW BRUNSWICK DOES NOT HAVE A CENTRAL POOL OF CROWN COUNSEL FOR THE ENTIRE PROVINCE. NEW BRUNSWICK DOES EMPLOY PRACTISING LAWYERS AS AD HOC CROWN COUNSEL.

NEW BRUNSWICK HAS A CENTRAL POOL OF CROWN COUNSEL FOR SPECIAL PROSECUTIONS, BUT NOT FOR PROVINCE-WIDE OFFENCES.

CROWN COUNSEL IN NEW BRUNSWICK REPORT TO THE ATTORNEY GENERAL THROUGH THE DEPUTY ATTORNEY GENERAL, AND A DIRECTOR OF PUBLIC PROSECUTIONS.

IN INDICTABLE APPEALS THE CROWN IS REPRESENTED BY THE CROWN COUNSEL AT TRIAL.

PRINCE EDWARD ISLAND

PRINCE EDWARD ISLAND, LIKE ALBERTA, DOES NOT APPOINT CROWN COUNSEL FOR SPECIFIC GEOGRAPHICAL AREAS. PRINCE EDWARD ISLAND HAS THREE FULLTIME PROVINCIAL CROWN PROSECUTORS IN ONE CENTRAL POOL OPERATING FOR THE ENTIRE PROVINCE. THIS PROVINCE DOES SUPPLEMENT THE FULLTIME PROVINCIAL CROWN PROSECUTORS BY EMPLOYING PRACTISING LAWYERS AS AD HOC CROWN COUNSEL.

PRINCE EDWARD ISLAND DOES NOT HAVE A CENTRAL POOL, AS SUCH, FOR SPECIAL PROSECUTIONS OR PROVINCE-WIDE OFFENCES.

CROWN COUNSEL REPORT TO THE ATTORNEY GENERAL THROUGH THE DEPUTY ATTORNEY GENERAL, AND A DIRECTOR OF PUBLIC PROSECUTIONS. THIS IS IDENTICAL TO THE NEW BRUNSWICK AND MANITOBA SYSTEMS.

IN INDICTABLE APPEALS THE CROWN IS REPRESENTED BY CROWN COUNSEL AT TRIAL.

NOVA SCOTIA

NOVA SCOTIA APPOINTS CROWN COUNSEL FOR SPECIFIC GEOGRAPHIC AREAS, AS DO THE MAJORITY OF PROVINCES. THE APPOINTED CROWN COUNSEL ARE EITHER SUPPLEMENTED BY, OR REPLACED BY PRACTISING LAWYERS EMPLOYED AS AD HOC CROWN COUNSEL.

NOVA SCOTIA DOES NOT HAVE A CENTRAL POOL OF CROWN COUNSEL FOR SPECIAL PROSECUTIONS OR PROVINCE-WIDE OFFENCES, AND AS WITH ALL OTHER PROVINCES, CROWN COUNSEL ARE NOT TOTALLY AUTONOMOUS.

CROWN COUNSEL REPORT TO THE ATTORNEY GENERAL THROUGH A DEPUTY ATTORNEY GENERAL, A DIRECTOR OF PUBLIC PROSECUTIONS, AND A SUPERVISORY CROWN ATTORNEY.

IN INDICTABLE APPEALS THE CROWN IS REPRESENTED BY COUNSEL FROM A SEPARATE APPEAL SECTION.

NEWFOUNDLAND

NEWFOUNDLAND APPOINTS CROWN COUNSEL FOR SPECIFIC GEOGRAPHIC REGIONS. IN ADDITION TO THE CROWN COUNSEL APPOINTED IN THE SPECIFIC GEOGRAPHIC AREAS, THERE IS A CENTRAL POOL OF CROWN COUNSEL FOR THE ENTIRE PROVINCE, AND PRACTISING LAWYERS ARE EMPLOYED AS AD HOC CROWN ATTORNEYS.

THE PROVINCE OF NEWFOUNDLAND DOES NOT HAVE A CENTRAL POOL OF CROWN COUNSEL FOR SPECIAL PROSECUTIONS OR PROVINCE-WIDE OFFENCES. AS WITH ALL OTHER PROVINCES, CROWN COUNSEL ARE NOT TOTALLY AUTONOMOUS.

NEWFOUNDLAND CROWN COUNSEL REPORT TO THE ATTORNEY GENERAL THROUGH THE DEPUTY ATTORNEY GENERAL, AND DIRECTOR OF PUBLIC PROSECUTIONS.

IN INDICTABLE APPEALS THE CROWN IS REPRESENTED BY THE CROWN COUNSEL AT TRIAL.

GOVERNMENT OF CANADA AND THE YUKON AND NORTHWEST TERRITORIES

THE DEPARTMENT OF JUSTICE HAS REGIONAL OFFICES THROUGHOUT CANADA. THESE OFFICES ARE STAFFED BY FULLTIME PROSECUTORS. IN ADDITION TO THE REGULAR STAFF, THE ATTORNEY GENERAL OF CANADA EMPLOYS STANDING AGENTS FOR PROSECUTIONS UNDER PARTICULAR STATUTES AND AD HOC AGENTS TO PROSECUTE SPECIFIC CASES.

PROSECUTORIAL ASSISTANCE IN THE YUKON TERRITORY AND NORTHWEST TERRITORIES IS PROVIDED BY THE OTTAWA OFFICE STAFF AND OTHER REGIONAL OFFICES.

PROSECUTORS EMPLOYED FULLTIME OR AS AGENTS ARE NOT TOTALLY AUTONOMOUS. THE DIRECTORS REPORT TO THE ATTORNEY GENERAL OF CANADA THROUGH THE DEPUTY ATTORNEY GENERAL, AND ASSOCIATE DEPUTY MINISTER AND THE ASSISTANT DEPUTY ATTORNEY GENERAL (CRIMINAL LAW).

INDICTABLE APPEALS TO PROVINCIAL COURTS ARE GENERALLY CONDUCTED BY STAFF PROSECUTORS. APPEALS TO THE SUPREME COURT OF CANADA ARE CONDUCTED BY REGULAR STAFF COUNSEL FOR THE ATTORNEY GENERAL OF CANADA. COUNSEL MAY BE A MEMBER OF THE OTTAWA OFFICE STAFF OR A MEMBER OF THE JUSTICE OFFICE WHO HANDLED THE APPEAL IN THE COURT BELOW.

SUMMARY

THE MOST COMMON ORGANIZATION IN CANADA HAS CROWN COUNSEL APPOINTED FOR SPECIFIC GEOGRAPHICAL AREAS, SUPPLEMENTED BY THE EMPLOYMENT OF PRACTISING LAWYERS AS AD HOC CROWN COUNSEL IN ADDITION TO THE APPOINTED CROWN COUNSEL.

IN ALL CASES CROWN COUNSEL ARE NOT AUTONOMOUS BUT REPORT TO A CENTRAL AUTHORITY.

THE MOST COMMON ORGANIZATION IS FOR CROWN COUNSEL TO REPORT TO THE ATTORNEY GENERAL, THROUGH THE DEPUTY ATTORNEY GENERAL, AND ANOTHER POSITION, EITHER REFERRED TO AS A "DIRECTOR OF PUBLIC PROSECUTIONS", OR A "DIRECTOR OF CROWN ATTORNEYS". IN THE MAJORITY OF CASES THE PROVINCES HAVE ANOTHER LEVEL OF SUPERVISION, REFERRED TO AS A "CHIEF OF CROWN ATTORNEYS", OR A "SUPERVISORY CROWN ATTORNEY".

IN MOST CASES, IN INDICTABLE APPEALS THE CROWN IS REPRESENTED BY THE CROWN COUNSEL AT TRIAL. HOWEVER, IN SIX OF THE PROVINCES THE CROWN MAY BE REPRESENTED BY CROWN COUNSEL FROM A SEPARATE APPEALS SECTION. IN ONLY TWO OF THE PROVINCES, BRITISH COLUMBIA AND ALBERTA, SOME OTHER FORM OF COUNSEL IS EMPLOYED FOR INDICTABLE APPEALS.

SUMMARY: STATISTICAL DATA

STATISTICAL SUMMARY

THE DETAILED INFORMATION PROVIDED BY THE FEDERAL GOVERNMENT AND EACH OF THE PROVINCIAL AND TERRITORIAL GOVERNMENTS HAS BEEN SUMMARIZED IN THE NINE TABLES CONTAINED IN THIS SECTION. THE TABLES CAN BE CLASSIFIED INTO FOUR GROUPINGS, THE FIRST IS MUNICIPAL GOVERNMENT EXPENDITURES AND MANPOWER CONTAINED IN TABLE 9; SECONDLY PROVINCIAL GOVERNMENT DATA ON EXPENDITURES AND MANPOWER ARE SUMMARIZED IN TABLES 7 & 8; THIRD THE EXPENDITURES AND MANPOWER FOR THE FEDERAL GOVERNMENT ARE SUMMARIZED IN TABLES 5 & 6; AND FINALLY THE DATA PERTAINING TO FEDERAL, PROVINCIAL AND MUNICIPAL PROSECUTORS ARE COMBINED AND ARE SUMMARIZED TO GIVE PROVINCIAL AND NATION-WIDE TOTALS IN TABLES 1, 2, 3 AND 4.

ANALYSIS

BECAUSE OF THE WIDE VARIATIONS IN THE GEOGRAPHIC SIZE AND THE POPULATION OF THE VARIOUS PROVINCES AND TERRITORIES A COMPARISON OF ABSOLUTE EXPENDITURES, WHILE INTERESTING, IS NOT NECESSARILY INFORMATIVE. IT IS THEREFORE FELT THAT ONE OF THE BETTER COMPARISONS IS THE EXAMINATION OF PER CAPITA EXPENDITURES BY LEVEL OF GOVERNMENT FOR CRIMINAL PROSECUTIONS IN 1977/78, (TABLE 1).

IN EXAMINING TABLE 1 IT IS OBVIOUS THAT THERE IS A WIDE DISCREPANCY BETWEEN THE TOTAL EXPENDITURES PER CAPITA IN EACH OF THE PROVINCES AND TERRITORIES. IT IS NOT UNEXPECTED THAT THE NORTHWEST TERRITORIES AND THE YUKON TERRITORIES BOTH SHOW A DIFFERENT PATTERN OF EXPENDITURES THAN DO THE PROVINCES AND THAT THESE EXPENDITURES WOULD BE SUBSTANTIALLY HIGHER PER CAPITA THAN THE EXPENDITURES OF THE INDIVIDUAL PROVINCES.

HOWEVER, THE WIDE VARIATIONS IN THE PER CAPITA EXPENDITURE BY PROVINCES IS TO SOME EXTENT UNUSUAL. THE VARIATION IS FROM A HIGH OF \$4.44 PER CAPITA IN BRITISH COLUMBIA TO A LOW OF \$1.33 PER CAPITA IN NOVA SCOTIA. ALTHOUGH THE FEDERAL EXPENDITURES IN BRITISH COLUMBIA ARE ALSO SIGNIFICANTLY HIGHER THAN THOSE ELSEWHERE IN THE COUNTRY THE PROVINCIAL EXPENDITURES ARE ALSO HIGHER THAN ANY OTHER PROVINCE AND SIGNIFICANTLY HIGHER THAN MOST PROVINCES. INDEED, THE AVERAGE PROVINCIAL EXPENDITURE PER CAPITA IS \$1.74 WHILE BRITISH COLUMBIA'S EXPENDITURE IS ALMOST DOUBLE THAT AT \$3.40.

IF WE RANK THE PROVINCES BY EXPENDITURES THE FOLLOWING PATTERN EMERGES:

<u>PROVINCE</u>	<u>TOTAL EXPENDITURES</u>	<u>PROVINCIAL EXPENDITURES</u>
BRITISH COLUMBIA	\$4.44	\$3.40
SASKATCHEWAN	3.41	3.10*
ALBERTA	2.36	1.92
NEW BRUNSWICK	2.00	1.63
ONTARIO	1.80	1.48
MANITOBA	1.74	1.61
P.E.I.	1.70	1.19
NEWFOUNDLAND	1.57	1.18
QUEBEC	1.37	1.06*
NOVA SCOTIA	1.33	1.01

* - INCLUDES EXPENDITURES FOR MUNICIPAL PROSECUTORS.

IN EXAMINING THIS RANKING WE WILL SEE THAT THE RANKINGS DO NOT CHANGE IF WE COMPARE TOTAL EXPENDITURES TO PROVINCIAL EXPENDITURES WITH THE EXCEPTION OF ONTARIO AND MANITOBA WHICH REVERSE POSITIONS. THIS IS EXPLAINED BY THE SIGNIFICANTLY LOWER FEDERAL GOVERNMENT EXPENDITURES IN MANITOBA THAN IN ANY OTHER PROVINCE.

THE ONLY PATTERN WHICH EMERGES FROM THIS ANALYSIS IS THAT THREE OF THE WESTERN PROVINCES: BRITISH COLUMBIA; SASKATCHEWAN; AND ALBERTA HAVE SIGNIFICANTLY HIGHER EXPENDITURES THAN THE REMAINDER OF THE COUNTRY AND THESE PROVINCES ARE THE ONLY PROVINCES WHICH EXCEED THE NATIONAL AVERAGE PER CAPITA EXPENDITURE FIGURE OF \$2.20. THE REMAINING SEVEN PROVINCES DO EXHIBIT SOME VARIATIONS BUT THE DEGREE OF VARIATION IS NOT AS EXTREME AS ONE WOULD ASSUME.

IN ENDEAVOURING TO DETERMINE REASONS FOR THE EXPENDITURE LEVELS IN BRITISH COLUMBIA AND SASKATCHEWAN IN PARTICULAR, TABLE 7, (PROVINCIAL GOVERNMENT EXPENDITURE AND MANPOWER FOR CROWN COUNSEL - 1977/78) WAS EXAMINED.

THIS EXAMINATION SHOWS THAT THERE IS A SIGNIFICANT VARIATION IN THE PER CAPITA EXPENDITURES ON AD HOC SERVICES. TWO OF THE TEN PROVINCES SPEND LESS THAN 1¢ PER CAPITA ON THIS SERVICE; THREE OF THE PROVINCES LESS THAN 10¢ AND TWO OF THE PROVINCES SPEND LESS THAN 15¢ PER CAPITA. THUS, SEVEN PROVINCES SPEND LESS THAN 15¢ PER CAPITA ON AD HOC CROWN COUNSEL SERVICES. OF THE REMAINING THREE PROVINCES PRINCE EDWARD ISLAND SPENDS 26¢ PER CAPITA, SASKATCHEWAN \$1.20 PER CAPITA AND BRITISH COLUMBIA \$1.54 PER CAPITA.

EXPENDITURES ON FULLTIME STAFF (EXCLUDING EXPENSES) ALSO SHOW SOME VARIATION, HOWEVER, THE VARIATION IS NOT AS SIGNIFICANT AS THE VARIATION IN PER CAPITA EXPENSES FOR AD HOC STAFF. FOUR PROVINCES SPEND LESS THAN \$1.00 PER CAPITA ON FULLTIME STAFF, FOUR PROVINCES SPEND BETWEEN \$1 AND \$1.50 PER CAPITA AND TWO PROVINCES SPEND \$1.59 PER CAPITA ON FULLTIME STAFF. THE ACTUAL EXPENSES ARE OUTLINED IN THE FOLLOWING TABLE.

<u>PROVINCE</u>	<u>PER CAPITA EXPENSES OF FULLTIME CROWN COUNSEL</u>
BRITISH COLUMBIA	\$1.59
ALBERTA	1.59
SASKATCHEWAN	.76
MANITOBA	1.15
ONTARIO	1.17
QUEBEC	1.31
NEW BRUNSWICK	1.26
NOVA SCOTIA	.84
PRINCE EDWARD ISLAND	.87
NEWFOUNDLAND	.61

FEDERAL GOVERNMENT EXPENDITURES BY PROVINCE, WITH THE EXCEPTION OF THE NORTHWEST AND YUKON TERRITORIES, BRITISH COLUMBIA AND MANITOBA FALL INTO A FAIRLY NARROW BAND OF PER CAPITA EXPENDITURES. THE RANGE OF PER CAPITA EXPENDITURES IS FROM 31¢ IN ONTARIO TO 51¢ IN PRINCE EDWARD ISLAND. THE HIGHEST EXPENDITURES ARE IN BRITISH COLUMBIA AT MORE THAN DOUBLE THE NEXT HIGHEST PER CAPITA EXPENDITURES IN PRINCE EDWARD ISLAND. THE LOWEST PER CAPITA EXPENDITURES ARE IN MANITOBA AT 13¢ PER CAPITA.

TWO PROVINCES INDICATED THAT MUNICIPAL CROWN COUNSEL PROSECUTE MAJOR MATTERS UNDER THE CRIMINAL CODE AND OTHER STATUTES. THOSE PROVINCES ARE SASKATCHEWAN AND QUEBEC AND THE PER CAPITA EXPENDITURES FOR MUNICIPAL PROSECUTORS ARE INCLUDED IN TABLE 1.

TABLE 2 OUTLINES THE TOTAL EXPENDITURES BY LEVEL OF GOVERNMENT FOR CRIMINAL PROSECUTIONS. OF THE TOTAL EXPENDITURES ON CRIMINAL PROSECUTIONS 18.86% COMES FROM THE FEDERAL GOVERNMENT, 79.21% FROM THE PROVINCIAL GOVERNMENTS AND 1.91% FROM THE MUNICIPAL GOVERNMENTS IN SASKATCHEWAN AND QUEBEC.

TABLE THREE COMPARES THE TOTAL FEDERAL, PROVINCIAL AND MUNICIPAL EXPENDITURES AND MANPOWER FOR CRIMINAL PROSECUTIONS IN 1977/78 FOR EACH PROVINCE AND THE TWO TERRITORIES. THIS TABLE SHOWS THE TOTAL NUMBER OF LAWYERS, SUPPORT STAFF, AND AD HOC PROSECUTORS EMPLOYED BY THE PROVINCIAL GOVERNMENTS AND THE NUMBER OF FEDERAL AGENTS ENGAGED ON CRIMINAL PROSECUTIONS. THE SALARIES AND BENEFITS AND OTHER EXPENDITURES RELATING TO THE FULLTIME CROWN PROSECUTORS AND THE FEES PAID TO AD HOC CROWN PROSECUTORS AND FEDERAL AGENTS ARE INDICATED. IN ADDITION, THE TOTAL EXPENDITURES FOR EACH PROVINCE ARE LISTED.

TABLE 4 IS THE BREAKDOWN OF MANPOWER FOR THE FEDERAL, PROVINCIAL AND MUNICIPAL PROSECUTORS OFFICES. THE DATA IN THIS TABLE REFLECTS THE TOTAL, FULLTIME CROWN COUNSEL IN EACH PROVINCE. IN EXAMINING THIS TABLE IT MUST BE REMEMBERED THAT THE NUMBER OF FULL TIME CROWN COUNSEL ARE SUPPLEMENTED TO VARYING DEGREES BY AD HOC CROWN COUNSEL.

FOR EXAMPLE: IN SASKATCHEWAN THERE ARE 56 LAWYERS ON FULLTIME STAFF, HOWEVER, THAT PROVINCE SPENDS \$1.20 PER CAPITA ON AD HOC CROWN COUNSEL. IN QUEBEC THERE ARE 566 FULLTIME LAWYERS BUT QUEBEC SPENDS LESS THAN 1¢ ON AD HOC LAWYERS.

TABLES 5, 6, 7, 8 AND 9 ARE ONE PAGE SUMMARIES OF THE DETAILED DATA CONTAINED IN THE PROVINCIAL SECTIONS.

TABLE 8 IS, HOWEVER, AN ANALYSIS OF THE RELATIVE SIZES OF CROWN COUNSEL'S OFFICES IN THE PROVINCES AND TERRITORIES. OF THE 157 OFFICES IN CANADA, 36% HAVE ONLY 1 FULLTIME PROSECUTOR; 38% HAVE 2 TO 4 STAFF; 16% HAVE 5 TO 10 STAFF; 2% HAVE 11 TO 15 STAFF; 1% HAVE 16 TO 20 STAFF AND 5% HAVE OVER 20 STAFF PROSECUTORS. THUS 74% OF THE OFFICES HAVE LESS THAN 5 STAFF.

STATISTICAL TABLES

TABLE 1

PER CAPITA EXPENDITURES BY LEVEL OF GOVERNMENT FOR CRIMINAL PROSECUTIONS - 1977/78

	FEDERAL (1)	PROVINCIAL	MUNICIPAL (2)	TOTAL	POPULATION (3)
BRITISH COLUMBIA	\$ 1.04	\$ 3.40		\$4.44	2,506,400
ALBERTA	.44	1.92		2.36	1,917,600
SASKATCHEWAN	.32	2.55	.55	3.41	941,700
MANITOBA	.13	1.61		1.74	1,029,200
ONTARIO	.31	1.48		1.80	8,390,800
QUEBEC	.30	.99	.07	1.37	6,276,600
NEW BRUNSWICK	.37	1.63		2.00	690,600
NOVA SCOTIA	.32	1.01		1.33	837,800
P.E.I.	.51	1.19		1.70	121,100
NEWFOUNDLAND	.40	1.18		1.57	566,100
NORTHWEST TERR.	8.30			8.30	43,700
YUKON TERR.	4.65			4.65	21,400
TOTAL	.41	\$1.74	\$.05	\$2.20	23,343,000

(1) Includes a portion of Ottawa Headquarters' personnel and expenditures prorated on the basis of expenditures in the Province or Territory.

(2) Includes expenditures and manpower for only those municipal prosecutors offices which handle Criminal Code cases.

(3) Source: Statistics Canada Quarterly Estimates of Population for October, 1977.

TABLE 2

TOTAL EXPENDITURES BY LEVEL OF GOVERNMENT FOR CRIMINAL PROSECUTIONS - 1977/78

	FEDERAL (1)	PROVINCIAL	MUNICIPAL (2)	TOTAL
BRITISH COLUMBIA	\$ 2,600,900	\$ 8,511,248		\$11,112,148
ALBERTA	839,870	3,677,840		4,517,710
SASKATCHEWAN	298,390	2,402,639	\$ 517,000	3,218,029
MANITOBA	143,240	1,660,576		1,803,816
ONTARIO	2,649,610	12,499,300		15,148,910
QUEBEC	1,893,010	9,202,200	465,670	11,560,880
NEW BRUNSWICK	260,370	1,125,880		1,386,250
NOVA SCOTIA	268,200	845,100		1,113,300
P.E.I.	61,120	144,085		205,205
NEWFOUNDLAND	223,790	665,667		889,457
NORTHWEST TERRITORIES	362,550			362,550
YUKON TERRITORY	99,400			99,400
TOTAL	\$9,700,450	\$40,734,535	\$982,670	\$51,417,655

(1) Includes a portion of Ottawa Headquarters' personnel and expenditures prorated on the basis of expenditures in the Province or Territory.

(2) Includes expenditures and manpower for only those municipal prosecutors offices which handle Criminal Code cases.

TABLE 3

TOTAL FEDERAL, (1) PROVINCIAL AND MUNICIPAL, (2) EXPENDITURES AND MANPOWER FOR CRIMINAL PROSECUTIONS - 1977/78

	Number of Lawyers	Number of Support	Number of Prov. Ad Hoc	Number of Fed Agents	Salaries & Benefits	Other Expenditures	Ad Hoc & Agent Services	Total Expenditures
BRITISH COLUMBIA	171	98	99	163	\$5,123,684	\$ 829,982	\$5,158,482	\$11,112,148
ALBERTA	102	47	2	45	3,420,254	391,077	706,379	4,517,710
SASKATCHEWAN	31	29	79	39	1,269,297	566,913	1,381,819	3,218,029
MANITOBA	38	27	3	2	1,305,831	478,863	19,122	1,803,816
ONTARIO	240	154	364	250	10,869,930	1,791,070	2,487,910	15,148,910
QUEBEC	264	302	4	154	9,250,580	969,030	1,341,270	11,560,880
NEW BRUNSWICK	34	8	-	52	883,770	227,903	274,577	1,386,230
NOVA SCOTIA	31	14	16	41	810,630	108,150	194,520	1,113,300
P.E.I.	3	2	12	12	108,250	6,400	90,555	205,205
NEW FOUNDLAND	9	4	-	16	354,758	266,638	268,061	889,457
NORTHWEST TERR.	6	5	-	N/A	221,250	141,300	N/A	362,550
YUKON TERR.	2	1	1	1	73,380	25,460	560	99,400
TOTAL	931	691	580	775	33,691,614	5,802,786	11,923,255	51,417,655

(1) Includes a portion of Ottawa Headquarters' personnel and expenditures prorated on the basis of expenditures in the Province or Territory.

(2) Includes expenditures and manpower for only those municipal prosecutors offices which handle Criminal Code cases.

TABLE 4

BREAKDOWN OF MANPOWER FOR FEDERAL, PROVINCIAL AND MUNICIPAL (1) PROSECUTOR'S OFFICES - 1977/78

	HEAD OFFICE		REGIONAL AND LOCAL OFFICES		MUNICIPAL PROSECUTOR'S		TOTAL	
	Lawyers/Support	(2)	Lawyers/Paralegal/Support	(3)	Lawyers/Support	Lawyers/Paralegal/Support	TOTAL	
BRITISH COLUMBIA	7	10	137	-	-	144	-	223
ALBERTA	12	9	80	-	-	92	-	132
SASKATCHEWAN	5	4	17	-	7	29	-	56
MANITOBA	10	8	21	-	-	31	-	68
ONTARIO	23	4	186	36	-	209	36	345
QUEBEC	24	56	164	-	19	264	-	566
NEW BRUNSWICK	4	2	29	-	-	33	-	42
NOVA SCOTIA	2	2	27	-	-	29	-	41
P.E.I.	3	2	-	-	-	3	-	5
NEWFOUNDLAND	8	4	1	-	-	9	-	13
FEDERAL DEPARTMENT OF JUSTICE	13	12	88	-	-	101	-	170
TOTAL	111	113	750	36	26	944	36	1661

(1) Includes only those municipal prosecutor's offices which handle Criminal Code cases.

(2) In the Province of Quebec includes only the Criminal Prosecutions head office.

(3) In the Province of Quebec includes both Criminal Prosecutions and Penal Prosecutions.

(4) Includes Yukon and Northwest Territories.

FEDERAL GOVERNMENT EXPENDITURES AND MANPOWER FOR DEPARTMENT OF JUSTICE CRIMINAL PROSECUTIONS BY PROVINCE (1) - 1977/78

	Number of Lawyers	Number of Support	Number of Agents	Salaries & Benefits	Other Expenditures	Agents Services	Total Expenditures
BRITISH COLUMBIA	26.9	19.4	163	\$1,120,300	\$183,430	\$1,297,170	\$2,600,900
ALBERTA	9.6	6.8	45	359,860	64,610	415,400	839,870
SASKATCHEWAN	2.2	2.3	39	67,610	12,000	218,780	248,390
MANITOBA	4.1	3.1	2	116,670	24,340	2,230	143,240
ONTARIO	30.9	17.5	250	1,021,030	168,570	1,460,010	2,649,610
QUEBEC	16.4	10.8	154	543,010	108,730	1,241,270	1,893,010
NEW BRUNSWICK	0.2	0.2	52	9,670	3,140	247,560	260,370
NOVA SCOTIA	2.2	2.2	41	102,430	16,250	149,520	268,200
P.E.I.	0.0	0.1	12	2,150	700	58,270	61,120
NEWFOUNDLAND	0.2	0.2	16	8,240	2,670	212,880	223,790
NORTHWEST TERR.	6.3	5.3	N/A	221,250	141,300	N/A	362,550
YUKON TERR.	2.0	1.1	1	73,380	25,460	560	99,400
TOTAL	101.0	69.0	775	\$3,645,600	\$751,200	\$5,303,650	\$9,700,450

(1) With Ottawa headquarters personnel and expenditures prorated across Canada on the basis of expenditures in each province and territory.

TABLE 6

EXPENDITURES, MANPOWER AND DISTRIBUTION OF CRIMINAL PROSECUTION SERVICES - DEPARTMENT OF JUSTICE - CANADA

Office	Number of Lawyers	Number of Support	Number of Agents	Salaries & Benefits	Other Expenditures	Agent's Services	Total Expenditures
Ottawa (Headquarters)	13	12	(See Toronto)	\$ 559,700	\$ 181,500	(See Toronto)	\$ 741,200
Vancouver, B.C.	25	17	163	1,024,300	152,300	\$ 1,297,170	2,473,770
Edmonton, Alta.	9	6	45	328,700	54,500	415,400	798,600
Saskatoon, Sask.	2	2	39	56,500	8,400	218,780	283,680
Winnipeg, Man.	4	3	2	111,300	22,600	2,230	136,130
Toronto, Ont. Ottawa, Ont.	25 (Included in Ottawa headquarters above)	13	250	788,900 - 4 lawyers and 2 support staff.)	93,300	1,460,010	2,342,210
Montreal, Queb. Hull, Que.	13 (Included in Ottawa headquarters above)	8	154	406,000 - 2 lawyers and 1 support staff.)	64,300	1,241,270	1,711,570
New Brunswick				-	-	247,560	247,560
Halifax, N.S.	2	2	41	92,400	13,000	149,520	254,920
P.E.I.				-	-	58,270	58,270
Newfoundland				-	-	212,880	212,880
Yellowknife, N.W.T.	6	5	(n.a.)	208,000	137,000	(n.a.)	345,000
Whitehorse, Yukon	2	1	1	69,800	24,300	560	94,660
TOTAL	101	69	775	\$3,645,600	\$ 751,200	\$5,303,650	\$9,700,450

TABLE 7

PROVINCIAL GOVERNMENT EXPENDITURES AND MANPOWER FOR CROWN COUNSEL - 1977/78

	Number of Lawyers	Number of Support	Number of Ad Hoc Counsel	Salaries & Benefits	Other Expenditures	Ad Hoc Services	Total Expenditures
BRITISH COLUMBIA	144	79	99	\$ 4,003,384	\$ 646,552	\$ 3,861,312	\$ 8,511,248
ALBERTA	92	40	2	3,060,394	326,467	290,979	3,677,840
SASKATCHEWAN	22	13	79	716,687	554,913	1,131,039	2,402,639
MANITOBA	34	24	3	1,189,161	454,523	16,892	1,660,576
ONTARIO	209	136	364	9,848,900	1,622,500	1,027,900	12,499,300
QUEBEC	229	286	4	8,251,900	850,300	100,000	9,202,200
NEW BRUNSWICK	34	8	-	874,100	224,763	27,017	1,125,880
NOVA SCOTIA	29	12	16	708,200	91,900	45,000	845,100
P.E.I.	3	2	12	106,100	5,700	32,285	144,085
NEWFOUNDLAND	9	4	-	346,518	263,968	55,181	665,667
TOTAL	805	604	579	\$29,105,344	\$5,041,586	\$6,587,605	\$40,734,535

TABLE 8

DISTRIBUTION AND SIZE OF PROVINCIAL (1) TERRITORIAL AND MUNICIPAL (2) PROSECUTOR'S OFFICES IN 1977/78

<u>Number of Locations</u> <u>With:</u>	Criminal Courts	Fulltime Staff Prosecutors	1 Staff Prosecutors	2-4 Staff Prosecutors	5-10 Staff Prosecutors	11-15 Staff Prosecutors	16-20 Staff Prosecutors	Over 20 Staff Prosecutors
BRITISH COLUMBIA	98	12	-	3	5	2	1	1
ALBERTA	102	11	3	5	1	-	-	2
SASKATCHEWAN	116	6	1	3	1	1	-	-
MANITOBA	87	7	5	1	-	-	-	1
ONTARIO	179	53	21	20	10	1	-	1
QUEBEC	44	36	13	17	4	-	-	2
NEW BRUNSWICK	34	13	4	7	2	-	-	-
NOVA SCOTIA	37	14	10	3	1	-	-	-
P.E.I.	5	2	1	1	-	-	-	-
NEWFOUNDLAND	60	1	-	-	1	-	-	-
NORTHWEST TERRITORIES	5	1	-	-	1	-	-	-
YUKON TERRITORY	13	1	-	1	-	-	-	-
TOTAL	780	157	58	61	26	4	1	7

(1) Includes Provincial headquarters offices.

(2) Includes only those municipal prosecutor's offices which handle Criminal Code cases.

TABLE 9

MUNICIPAL GOVERNMENT EXPENDITURES AND MANPOWER FOR CRIMINAL PROSECUTIONS (1) - 1977/78

	Number of Municipalities	Number of Lawyers	Number of Support	Number of Ad Hoc Lawyers	Salaries & Benefits	Other Expenditures	Ad Hoc Services	Total Expenditures
BRITISH COLUMBIA								
ALBERTA								
SASKATCHEWAN	2	7	14	2	\$485,000	N/A	\$32,000	\$517,000
MANITOBA								
ONTARIO								
QUEBEC (2)	2	19	5	-	455,670	\$10,000	-	465,670
NEW BRUNSWICK								
NOVA SCOTIA								
P.E.I.								
NEWFOUNDLAND								
TOTAL	4	26	19	2	\$940,670	\$10,000	\$32,000	\$982,670

(1) Includes expenditures and manpower for only the municipal prosecutor's offices which handle Criminal Code cases.

(2) Does not include Quebec City.

GOVERNMENT OF CANADA

ORGANIZATION

CANADA HAS ESTABLISHED REGIONAL OFFICES AT HALIFAX, MONTREAL, TORONTO, WINNIPEG, SASKATOON, EDMONTON, VANCOUVER AND YELLOWKNIFE, A CROWN ATTORNEY'S OFFICE AT WHITEHORSE AND AN OTTAWA OFFICE, CRIMINAL PROSECUTIONS SECTION, STAFFED WITH PROSECUTORS EMPLOYED ON A FULLTIME BASIS.

THE OTTAWA OFFICE, CRIMINAL PROSECUTIONS SECTION, CONSISTS OF THE HEADQUARTERS DIVISION, THE ANTI-TRUST DIVISION, THE OTTAWA REGION DIVISION AND THE HULL REGION DIVISION. IN ADDITION TO THE REGULAR STAFF, THE ATTORNEY GENERAL OF CANADA EMPLOYS STANDING AGENTS TO DO PROSECUTIONS UNDER PARTICULAR STATUTES WITHIN A SPECIFIED MUNICIPALITY OR OTHER TERRITORIAL DIVISION AND AD HOC AGENTS TO PROSECUTE SPECIFIC CASES.

THERE IS NO CENTRAL POOL OF FEDERAL PROSECUTORS AS SUCH, BUT PERSONNEL ARE MADE AVAILABLE FROM TIME TO TIME FROM THE OTTAWA OFFICE STAFF AND OTHER REGIONAL OFFICES TO PROVIDE PROSECUTORIAL ASSISTANCE IN THE YUKON TERRITORY AND THE NORTHWEST TERRITORIES AND TO PROVIDE ASSISTANCE IN SPECIAL PROSECUTIONS.

PROSECUTORS EMPLOYED FULLTIME OR AS AGENTS ARE NOT TOTALLY AUTONOMOUS.

THE DIRECTORS OF THE REGIONAL OFFICES, THE CROWN ATTORNEY'S OFFICE AT WHITEHORSE AND THE DIRECTOR OF THE OTTAWA OFFICE, CRIMINAL PROSECUTIONS SECTION, HAVE RESPONSIBILITY FOR FEDERAL CRIMINAL LITIGATION WITHIN THE GEOGRAPHICAL AREAS ASSIGNED TO THOSE OFFICES AND FOR THE INSTRUCTION OF ALL AGENTS EMPLOYED TO PROVIDE PROSECUTORIAL SERVICES WITHIN THOSE AREAS. THE DIRECTOR OF THE OTTAWA OFFICE, CRIMINAL PROSECUTIONS SECTION, HAS ADDITIONAL SUPERVISORY AND ADVISORY FUNCTIONS.

ORGANIZATIONALLY, THE DIRECTOR OF THE OTTAWA OFFICE, CRIMINAL PROSECUTIONS SECTION, THE DIRECTORS OF THE REGIONAL OFFICES AND THE CROWN ATTORNEY AT WHITEHORSE, REPORT TO THE ATTORNEY GENERAL OF CANADA THROUGH THE DEPUTY ATTORNEY GENERAL, AN ASSOCIATE DEPUTY MINISTER AND THE ASSISTANT DEPUTY ATTORNEY GENERAL (CRIMINAL LAW).

INDICTABLE APPEALS TO PROVINCIAL COURTS OF APPEAL ARE GENERALLY CONDUCTED BY REGULAR STAFF PROSECUTORS, PARTICULARLY IN THOSE PROVINCES WHERE JUSTICE OFFICES ARE LOCATED. IN THOSE PROVINCES WHERE NO JUSTICE OFFICE IS LOCATED, THE AGENT WHO APPEARED AT TRIAL WILL APPEAR ON THE APPEAL.

ON APPEALS TO THE SUPREME COURT OF CANADA, REGULAR STAFF COUNSEL ORDINARILY APPEAR FOR THE ATTORNEY GENERAL OF CANADA. COUNSEL MAY BE A MEMBER OF THE OTTAWA OFFICE STAFF OR THE MEMBER OF THE JUSTICE OFFICE WHO HANDLED THE APPEAL IN THE COURT BELOW.

SPECIAL TOPICS

THE DEPARTMENT OF JUSTICE AS PART OF A GENERAL POLICY IN CARRYING OUT ITS PROSECUTORIAL RESPONSIBILITIES MAINTAINS A NATIONAL AND REGIONAL MONITORING SYSTEM WITH RESPECT TO THE VARIOUS ASPECTS OF THE PROSECUTORIAL FUNCTION TO ACHIEVE CONSISTENCY AND APPROPRIATENESS IN PERFORMING ITS OBLIGATION IN PROSECUTING OFFENCES. THIS IS PERFORMED BY THE ASSISTANT DEPUTY ATTORNEY GENERAL - CRIMINAL PROSECUTIONS AND THE DIRECTOR OF CRIMINAL PROSECUTIONS AT HEADQUARTERS OFFICES IN OTTAWA AS WELL AS BY EACH REGIONAL DIRECTOR IN THE FOLLOWING MANNER:

- 1) THERE IS SYSTEMATIC AND REGULAR COMMUNICATION BETWEEN HEADQUARTERS AND THE REGIONAL DIRECTORS ON BOTH GENERAL AND SPECIFIC MATTERS.
- 2) WRITTEN DIRECTIVES OF BOTH A GENERAL AND SPECIFIC NATURE ARE SENT TO THE REGIONAL OFFICES.
- 3) QUARTERLY REPORTS ARE FILED AT THE REGIONAL OFFICES AND REVIEWED BY HEADQUARTERS REGARDING THE DETAIL OF PROSECUTIONS.
- 4) IN REGARD TO QUESTIONS INVOLVING POLICY ISSUES OF NATIONAL SIGNIFICANCE THEY ARE DEALT WITH BY WAY OF OVERRIDING REVIEW BY HEADQUARTERS. EXAMPLE, (R. vs JONES APPEAL IN B.C. ON THE DIVERSION QUESTION).

- 5) SPECIAL DEVELOPMENT SEMINARS ARE CONDUCTED ON A REGULAR BASIS.
- 6) FROM TIME TO TIME, SPECIFIC ISSUES OF NATIONAL SIGNIFICANCE REQUIRE A POLICY PLANNING EXERCISE TO BE UNDERTAKEN WITH INPUT FROM THE CRIMINAL LAW AMENDMENTS SECTION AND THE POLICY PLANNING SECTION. AT THE PRESENT TIME, A POLICY ON DIVERSION IS BEING WORKED ON BY THE POLICY PLANNING SECTION AND CRIMINAL LAW AMENDMENTS SECTION ON A JOINT BASIS WITH THE MINISTRY OF THE SOLICITOR GENERAL AND WITH THE KNOWLEDGE OF THE PROVINCES, AS WELL, STUDIES ARE CONDUCTED FROM TIME TO TIME WITH THE ASSISTANCE OF THE REGIONAL OFFICES AND THE PROVINCES ON SUCH QUESTIONS AS THE IMPACT OF AMENDMENTS TO THE CRIMINAL CODE, FOR EXAMPLE, SECTION 142 (1) (A) ON THE USE OF CROSS EXAMINATION OF VICTIMS IN RAPE CASES.

IN COMMENTING ON CASE BACKLOG PROBLEMS, IT IS IMPORTANT TO NOTE THAT IN ALL MAJOR CENTRES, ARRANGEMENTS HAVE BEEN MADE WITH PROVINCIAL AUTHORITIES FOR THE REGULAR USE OF PROVINCIAL COURTS FOR FEDERAL PROSECUTIONS AND THESE ARRANGEMENTS VARY FROM PROVINCE TO PROVINCE AND FROM YEAR TO YEAR. AT THE PRESENT TIME, BACKLOG PROBLEMS ARE AS SERIOUS AS PROVINCIAL ONES AND IN SOME CITIES, PERHAPS EVEN GREATER. SPECIFICS ARE NOT PROVIDED HERE SINCE THEY ARE NOT READILY AVAILABLE. THE CAUSES OF DELAY, THE LENGTH OF TIME REQUIRED TO DISPOSE OF CASES AND THE PROCEDURES FOR DISPOSITION ARE PROBABLY SIMILAR TO THE PROVINCIAL SYSTEM.

IN ADDITION TO WHAT HAS BEEN STATED ABOVE, AS PART OF THE HEADQUARTER'S FUNCTION, THERE IS AN ONGOING REVIEW OF PROSECUTION STANDARDS AND GUIDELINES.

IN BILL C-21 WHICH RECEIVED FIRST READING ON NOVEMBER 21, 1978, AND IS AWAITING FURTHER ACTION BY PARLIAMENT, THERE WILL UNDOUBTEDLY BE SOME EFFECT ON CROWN COUNSEL OPERATIONS AS WOULD ANY AMENDMENT TO THE CRIMINAL CODE. BILL C-21, HOWEVER, IS BEING LOOKED AT BY PROVINCIAL OFFICIALS REGARDING THE IMPACT OF SENTENCING ALTERNATIVES PROVIDED FOR IN THE BILL. THE FINE/OPTION PROGRAM IN SASKATCHEWAN IS PRESENTLY OPERATIONAL AND DOES HAVE AN IMPACT ON FEDERAL PROSECUTIONS PARTICULARLY WHERE THE FINES IMPOSED ARE SUBSTANTIAL. ?

THE DEPARTMENT OF JUSTICE HAS CONTINUOUS EXERCISE IN MANAGEMENT OPERATIONS.

AT THE PRESENT TIME, THE VANCOUVER TRIAL DISCOVERY PROJECT, IS EXAMINING BOTH FROM A FEDERAL AND A PROVINCIAL OPERATIONAL ASPECT, THE IMPACT OF A DISCOVERY PROCESS. THE CRIMINAL LAW REFORM FUND IS FUNDING BOTH THE FEDERAL AND PROVINCIAL COMPONENTS OF THE EXPERIMENT.

IN ADDITION TO WHAT HAS BEEN DESCRIBED ABOVE, THERE IS AN ORIENTATION PROGRAM FOR ALL NEW DEPARTMENT OF JUSTICE LAWYERS AND A TRAINING PROGRAM AT EACH OF THE REGIONAL OFFICES IS AVAILABLE. IN ADDITION, MATERIALS ON PROCEDURES, UPDATES ON CASE LAW AND OTHER LEGAL MATERIALS ARE SENT FROM TIME TO TIME TO OFFICERS. FURTHER THE REGIONAL OFFICERS HAVE A SPECIAL DEVELOPMENT BUDGET IN ORDER TO PERMIT PARTICIPATION OF DEPARTMENT OF JUSTICE LAWYERS IN PROVINCIAL AND LOCAL PROGRAMS PUT ON BY THE BAR ASSOCIATIONS OR OTHER GROUPS.

FEDERAL DEPARTMENT OF JUSTICE

KEY OF DISTRIBUTION OF SERVICES, MANPOWER, EXPENDITURE, AND CASELOAD FOR THE
FEDERAL DEPARTMENT OF JUSTICE CRIMINAL PROSECUTIONS SECTION

FISCAL YEAR 1977-1978

NUMBER OF REGIONAL OFFICES	8
NUMBER OF LOCATIONS WHERE CROWN HAS FULLTIME STAFF	10
NUMBER OF SALARIED LAWYERS	101
NUMBER OF AGENTS CONDUCTING CRIMINAL PROSECUTIONS (STANDING / AD HOC, WHO ARE PAID FOR THE ACTUAL WORK THEY DO)	775
NUMBER OF LOCATIONS HAVING MORE THAN 20 LAWYERS	2
NUMBER OF LOCATIONS HAVING BETWEEN 15 AND 20 LAWYERS	-
NUMBER OF LOCATIONS HAVING BETWEEN 11 AND 14 LAWYERS	2
NUMBER OF LOCATIONS HAVING BETWEEN 5 AND 10 LAWYERS	2
NUMBER OF LOCATIONS HAVING LESS THAN 5 LAWYERS	4

BRITISH COLUMBIA

ORGANIZATION

BRITISH COLUMBIA APPOINTS CROWN COUNSEL FOR SPECIFIC GEOGRAPHICAL AREAS SUCH AS COUNTIES AND DISTRICTS, SUPPLEMENTING THOSE CROWN COUNSEL WITH PRACTISING LAWYERS EMPLOYED AS AD HOC CROWN COUNSEL. BRITISH COULUMBIA DOES NOT HAVE A CENTRAL POOL OF CROWN COUNSEL FOR THE ENTIRE PROVINCE, NOR DO THEY HAVE A CENTRAL POOL OF CROWN COUNSEL FOR SPECIAL PROSECUTIONS OR PROVINCE-WIDE OFFENCES.

CROWN COUNSEL ARE NOT TOTALLY AUTONOMOUS.

CROWN COUNSEL REPORT TO THE ATTORNEY GENERAL THROUGH THE DEPUTY ATTORNEY GENERAL AND A DIRECTOR OF CRIMINAL LAW.

IN INDICTABLE APPEALS THE CROWN MAY BE REPRESENTED BY CROWN COUNSEL, COUNSEL FROM A SEPARATE APPEAL SECTION, OR BY SOME OTHER COUNSEL.

DISTRIBUTION OF MANPOWER AND SERVICES

BRITISH COLUMBIA HAS 144 FULLTIME CROWN COUNSEL IN 12 LOCATIONS. THE CRIMINAL COURT SITS IN 98 COMMUNITIES THROUGHOUT THE PROVINCE. THERE ARE 10 PROSECUTORS AT THE HEAD OFFICE IN VANCOUVER.

EXTENSIVE USE IS MADE OF PART-TIME COUNSEL; OVER 1/3 OF THE PROVINCIAL BUDGET FOR CRIMINAL PROSECUTIONS IS SPENT ON AD HOC SERVICES.

Expenditures and Manpower for Crown Counsel Services for 1977/78 - (BRITISH COLUMBIA)

EXPENDITURES	FEDERAL ⁽¹⁾	PROVINCIAL	MUNICIPAL ⁽²⁾	TOTAL
Salaries and Benefits	\$ 1,120,300	\$ 4,003,384		\$ 5,123,684
Other Expenditures	183,430	646,552		829,982
Subtotal	1,303,730	4,649,936		5,953,666
Private Practice Lawyers (Ad Hoc/Agent) Fees and Disbursements	1,297,170	3,861,312		5,158,482
TOTAL	2,600,900	8,511,248		11,112,148
EXPENDITURES PER CAPITA	\$1.04	\$3.40		\$4.43
MANPOWER				
Staff Lawyers	27	144		171
Paralegals	-	-		-
Professionals	-	-		-
Clerical Support	19	79		98
TOTAL	46	223		269
NUMBER OF AD HOC COUNSEL (Private Practice Lawyers)	163	99		262

(1) Includes a portion of Ottawa Headquarters' personnel and expenditures prorated on the basis of expenditures in the Province or Territory.

(2) Includes expenditures and manpower for only those municipal prosecutors offices which handle Criminal Code cases.

Distribution and Size of Crown Counsel Offices in 1977/78 - British Columbia
Provincial and Municipal Prosecutors' Offices ⁽¹⁾

LOCATIONS SERVED	
Number of Communities Where Criminal Courts Sit	98
Number of Communities Where Provincial Crown Has Fulltime Staff	12
Number of Municipal Crown Offices Conducting Criminal Code Prosecutions	-
SIZE OF CROWN COUNSEL OFFICES	
Provincial Headquarters - Supervisory Lawyers	1
- Appeals Lawyers	-
- Special Prosecutors	3
- Prosecutors	6
- Support Staff	10
TOTAL	17
Number of Local Crown Offices with -: 1 lawyer	-
(including Municipal Prosecutors) 2 - 4 lawyers	3
5 - 10	5
11 - 15	2
16 - 20	1
over 20	1

(1) Includes only those municipal prosecutors offices which handle Criminal Code matters.

ALBERTA

ORGANIZATION

ALBERTA HAS FULLTIME CROWN COUNSEL IN 9 LOCATIONS. IN 2 LOCATIONS RETAINER AGENTS ARE EMPLOYED. IN ADDITION A LIMITED NUMBER OF PRACTISING LAWYERS ARE EMPLOYED AS AD HOC CROWN COUNSEL. ALBERTA DOES NOT HAVE A CENTRAL POOL OF CROWN COUNSEL FOR PROVINCE-WIDE OFFENCES; HOWEVER, THEY DO HAVE A CENTRAL POOL OF 5 CROWN COUNSEL IN EDMONTON FOR SPECIAL PROSECUTIONS INCLUDING CASES INVOLVING COMPLEX CORPORATE AND COMMERCIAL MATTERS OR PARTICULARLY SENSITIVE MATTERS.

CROWN COUNSEL IN ALBERTA REPORT TO THE ATTORNEY GENERAL THROUGH THE DEPUTY ATTORNEY GENERAL, A DIRECTOR OF CRIMINAL JUSTICE, AND A SUPERVISORY CROWN ATTORNEY.

IN INDICTABLE APPEALS THE CROWN IS REPRESENTED BY EITHER THE CROWN COUNSEL WHO APPEARED AT TRIAL, OR SOME OTHER COUNSEL, BUT IS NOT REPRESENTED BY COUNSEL FROM A SEPARATE APPEAL SECTION.

DISTRIBUTION OF MANPOWER AND SERVICES

THE CRIMINAL JUSTICE SECTION HAS A GENERAL PROSECUTORIAL STAFF OF 91 FULL-TIME CROWN COUNSEL POSITIONS LOCATED AT THE FOLLOWING CENTRES: HEAD OFFICE 10; EDMONTON 35; CALGARY 24; RED DEER 4; LETHBRIDGE 7; MEDICINE HAT 2; WETASKIWIN 3; GRANDE PRAIRIE 2; PEACE RIVER 3; DRUMHELLER 1. RETAINER AGENTS ARE EMPLOYED IN LLOYDMINISTER AND EDSON.

SPECIAL TOPICS

CASE REPORTING SYSTEM

IN SEPTEMBER 1976, A CROWN COUNSEL CASE REPORTING SYSTEM WAS ESTABLISHED. THIS SYSTEM REPORTS AND CATALOGUES THE MORE SERIOUS CASES HEARD IN ALBERTA AND THE SUPREME COURT OF CANADA. IT PROVIDES A MEANS OF MONITORING THE EFFECTIVENESS OF THE CRIMINAL JUSTICE SYSTEM REGIONALLY AND PROVINCE-WIDE, AS WELL AS A REVIEW OF THE DISPOSITION OF INDIVIDUAL CASES. THE CASE REPORTING SYSTEM ALSO FORMS A BASIS FOR THE CONSIDERATION OF AN APPEAL IN ANY GIVEN MATTER.

PILOT PROJECTS

THE CRIMINAL JUSTICE SECTION CONTINUED ITS INVOLVEMENT IN THE PRE-TRIAL DISCLOSURE PROJECT BEGUN IN JANUARY 1977. THE PURPOSE OF THIS PILOT PROJECT IS TO TEST THE USEFULNESS OF A FORMALIZED SYSTEM IN WHICH CROWN AND DEFENCE COUNSEL COULD MEET PRIOR TO TRIAL TO REVEAL THE CROWN'S CASE TO THE ACCUSED. DESIGNED TO SAVE TIME AND TO ELIMINATE THE CALLING OF UNNECESSARY WITNESSES THIS PROJECT WAS IN PROGRESS IN EDMONTON DURING 1977. A SIMILAR PROJECT COMMENCED IN CALGARY BEFORE THE END OF THE REPORTING YEAR.

THIS SECTION IS PARTICIPATING IN A DIVERSION PROJECT IN THE NORTHERN PART OF THE PROVINCE. THIS PROJECT IS DESIGNED TO DIVERT CITIZENS FROM CRIMINAL COURT TO OTHER AGENCIES AND TO PROGRAMS DESIGNED TO PROVIDE ASSISTANCE, OR AN ALTERNATIVE TO THE COURT SYSTEM, AND/OR COUNSELLING.

PROFESSIONAL DEVELOPMENT

CROWN COUNSEL ATTEND IN-SERVICE TRAINING AND SEMINARS SPONSORED BY THE ALBERTA CROWN ATTORNEYS' ASSOCIATION AND THE FEDERAL LAW SOCIETY OF CANADA, AS WELL AS MEETINGS OF THE ALBERTA AND CANADIAN BAR ASSOCIATIONS.

IN MARCH 1978, ALBERTA HOSTED THE FIRST ANNUAL MEETING OF CROWN COUNSEL FROM ALBERTA, BRITISH COLUMBIA SASKATCHEWAN, AND MANITOBA. SEMINARS WERE CONDUCTED BY SENIOR CROWN COUNSEL AND PRACTITIONERS AND JURISTS FROM ACROSS CANADA. IT WILL SERVE AS THE PROTOTYPE OF FUTURE INTERPROVINCIAL MEETINGS.

THE ALBERTA CROWN ATTORNEY'S ASSOCIATION HELD MEETINGS IN MAY AND SEPTEMBER 1977. DISCUSSIONS, LECTURES AND PANELS WERE CONDUCTED ON LEGAL SUBJECTS. ASSOCIATION BUSINESS WAS DEALT WITH AT THE SEPTEMBER MEETING.

STUDENT PROGRAMS

THE CRIMINAL JUSTICE SECTION WORKS WITH THE CIVIL LAW SECTION PROVIDING A PROGRAM FOR ARTICLING STUDENTS. THIS PROGRAM IS PRELIMINARY TO A PERSON BEING ADMITTED TO THE ALBERTA BAR ASSOCIATION. SEVEN STUDENTS ARE ARTICLED TO SENIOR MEMBERS OF THIS SECTION, PARTICIPATING IN COURTROOM WORK AS WELL AS PROVIDING RESEARCH AND BRIEFING MATERIAL.

SAMPLE REPORT FROM CASE REPORTING SYSTEM

Proceedings by Location of Crown Agents and Nature of Court

April 1, 1977 — March 31, 1978

	Edmonton	Edmonton Dist.	Calgary	Red Deer	Lethbridge	Medicine Hat	Peace River	Grande Prairie	Drum- heller	Wetask- iwin	TOTAL
PROVINCIAL COURT											
Preliminaries	264	13	364	1	6	—	13	4	7	10	682
Trials	3232	133	2253	329	387	415	220	182	27	237	7415
DISTRICT COURT											
Trials — Judge	784	35	451	13	25	17	86	25	2	19	1457
Trials — Judge and Jury	31	3	29	—	3	—	3	—	—	—	69
SUPREME COURT — TRIAL											
Trials — Judge	129	30	567	19	5	—	33	8	8	4	803
Trials — Judge and Jury	31	1	76	3	2	—	—	—	2	4	119
Appeals — By Accused	18	—	4	—	2	—	—	1	—	—	25
Appeals — By Crown	12	1	—	—	—	—	3	1	—	—	17
Other	18	—	6	—	—	—	—	—	—	—	24
SUPREME COURT — APPELLATE											
Appeals — By Accused	199	62	233	10	16	11	—	1	3	—	535
Appeals — By Crown	89	15	70	7	7	1	—	—	1	—	190
SUPREME COURT OF CANADA											
Appeals — By Accused	3	1	4	—	—	—	—	—	—	—	8
Appeals — By Crown	—	—	—	—	—	—	—	—	—	—	—

Provincial, District and Supreme Court Trials — Verdicts

April 1, 1977 - March 31, 1978

Offence	Charges	Conviction	Acquittal	Stays/Withdrawals	Other
Murder	25	16	4	1	4
Attempted Murder	28	7	4	16	1
Manslaughter	25	24	1	—	—
Rape	63	25	23	14	1
Other Sexual Offences	256	156	51	46	3
Wounding	90	47	22	21	—
Assault	434	288	63	81	2
Robbery	439	282	48	107	2
Break & Enter	2767	2202	164	399	2
Theft — Auto	155	121	13	21	—
Theft	983	689	103	190	1
Possession — Stolen Goods	1228	742	142	344	—
Prostitution	34	11	10	13	—
Gaming & Betting	10	7	1	2	—
Offensive Weapons	491	278	75	137	1
Other Indictable	2929	2131	276	515	7
Total Criminal Code	9957	7026	1000	1907	24
Other Federal Statute	2	1	—	1	—
Provincial Statute	—	—	—	—	—

EXPENDITURES	FEDERAL ⁽¹⁾	PROVINCIAL	MUNICIPAL ⁽²⁾	TOTAL
Salaries and Benefits	\$ 359,860	\$ 3,060,394		\$ 3,420,254
Other Expenditures	64,610	326,467		391,077
Subtotal	424,470	3,386,861		3,811,311
Private Practice Lawyers (Ad Hoc/Agent) Fees and Disbursements	415,400	290,979		706,379
TOTAL	839,870	3,677,840		4,517,710
EXPENDITURES PER CAPITA	\$.44	\$1.92		\$2.36
MANPOWER				
Staff Lawyers	10	92		102
Paralegals	-	-		-
Professionals	-	-		-
Clerical Support	7	40		47
TOTAL	17	132		149
NUMBER OF AD HOC COUNSEL (Private Practice Lawyers)	45	2		47

(1) Includes a portion of Ottawa Headquarters' personnel and expenditures prorated on the basis of expenditures in the Province or Territory.

(2) Includes expenditures and manpower for only those municipal prosecutors offices which handle Criminal Code cases.

TABLE

63.

Distribution and Size of Crown Counsel Offices in 1977/78 - Alberta

Provincial and Municipal Prosecutors' Offices (1)

LOCATIONS SERVED	
Number of Communities Where Criminal Courts Sit	103
Number of Communities Where Provincial Crown Has Fulltime Staff	11
Number of Municipal Crown Offices Conducting Criminal Code Prosecutions	-
SIZE OF CROWN COUNSEL OFFICES	
Provincial Headquarters - Supervisory Lawyers	2
- Appeals Lawyers	1
- Special Prosecutors	3
- Prosecutors	6
- Support Staff	9
TOTAL	21
Number of Local Crown Offices with -: 1 lawyer	3
(including Municipal Prosecutors) 2 - 4 lawyers	5
5 - 10	1
11 - 15	-
16 - 20	-
over 20	2

(1) Includes only those municipal prosecutors offices which handle Criminal Code matters.

SASKATCHEWAN

ORGANIZATION

SASKATCHEWAN APPOINTS CROWN COUNSEL FOR SPECIFIC GEOGRAPHICAL AREAS. IN ADDITION, THEY HAVE A CENTRAL POOL OF CROWN COUNSEL FOR THE ENTIRE PROVINCE WHO ARE USED AS BACK-UP WHEN NECESSARY. PRACTISING LAWYERS ARE ALSO EMPLOYED AS AD HOC CROWN COUNSEL IN ADDITION TO THE ABOVE-MENTIONED FULLTIME CROWN COUNSEL. SASKATCHEWAN DOES NOT HAVE A CENTRAL POOL OF CROWN COUNSEL FOR SPECIAL PROSECUTIONS OR PROVINCE-WIDE OFFENCES, ALTHOUGH IT IS ANTICIPATED THAT SPECIAL PROSECUTION UNITS MAY BE ESTABLISHED.

CROWN COUNSEL REPORT TO THE ATTORNEY GENERAL THROUGH THE DEPUTY ATTORNEY GENERAL, A DIRECTOR OF PUBLIC PROSECUTIONS, A DIRECTOR OF CROWN ATTORNEYS, AND A SUPERVISORY CROWN ATTORNEY.

IN INDICTABLE APPEALS THE CROWN IS REPRESENTED BY COUNSEL FROM A SEPARATE APPEAL SECTION.

DISTRIBUTION OF MANPOWER AND SERVICES

THE PROVINCIAL CROWN COUNSEL SECTION HAS 6 OFFICES WITH FULLTIME STAFF. THERE ARE 22 LAWYERS AND 116 CRIMINAL COURT LOCATIONS. THE HEAD OFFICE IN REGINA HAS 5 LAWYERS AND 4 SUPPORT STAFF. THERE ARE 79 AD HOC COUNSEL.

SASKATCHEWAN HAS 2 MUNICIPAL PROSECUTORS' OFFICES WITH 7 LAWYERS WHICH HANDLE CRIMINAL PROSECUTIONS.

SPECIAL TOPICS

CROWN COUNSEL DISCRETION

THERE ARE POLICIES AND GUIDELINES WITH RESPECT TO CROWN COUNSEL EXERCISING DISCRETION, AND THESE ARE CONSTANTLY MONITORED. IN ADDITION, THERE IS A POLICY THAT COVERS THE PROCEDURE FOR LAYING CHARGES, THE CHOICE OF CHARGE AND THE NUMBER OF COUNTS AND THIS IS REVIEWED CONSTANTLY BY WAY OF HAVING CROWN COUNSEL REPORT ON EACH MATTER THAT THEY HANDLE. THE REPORT IS A SHORT, ONE PAGE REPORT ADVISING THE NUMBER OF CHARGES AND THE DISPOSITION ON EACH COUNT. THERE IS ALSO A POLICY WITH RESPECT TO THE RELATIONSHIP TO THE POLICE AND IT IS REINFORCED WITH CROWN COUNSEL AT SEMINARS AND MEETINGS CONVENED TO DISCUSS SUCH TOPICS AS THE EXERCISE OF CROWN DISCRETION, ETC. WITH RESPECT TO THE USE OF DIRECT INDICTMENT, THE PRACTICE IN SASKATCHEWAN IS THAT ALL DIRECT INDICTMENTS MUST BE FUNNELLED TO THE DIRECTOR OF PUBLIC PROSECUTIONS WHO THEN MAKES A DETERMINATION WHETHER OR NOT THE ATTORNEY GENERAL WILL BE ASKED TO SIGN THE DIRECT INDICTMENT. THE PRACTICE IS TO RESTRICT THE DIRECT INDICTMENT AND USE IT ONLY WHERE NECESSARY. WITH RESPECT TO THE USE OF STAYS, WITHDRAWALS AND

RELAYING OF INFORMATIONS, THE PROVINCE HAS SET DOWN GUIDELINES AND HAS RECENTLY ASKED FOR THE VIEWS OF THE CROWN COUNSEL AROUND THE PROVINCE WITH RESPECT TO THE POLICY AS IT RELATES TO THE USE OF STAYS, WITHDRAWALS AND RELAYING OF INFORMATIONS. IN ADDITION, A PRACTICE THAT IS INSISTED UPON IS THAT CROWN COUNSEL TELEPHONE HEAD OFFICE FOR ADVICE IN THIS AREA. IN SASKATCHEWAN THERE ARE UNITS ESTABLISHED IN EACH OF THE MAJOR CITIES. THE UNITS ARE COMPOSED OF AT LEAST THREE CROWN SOLICITORS. THEY HAVE A GREAT DEAL OF AUTONOMY IN TERMS OF RUNNING THEIR UNITS PROVIDING THEY BEAR IN MIND THE GUIDELINES AND REPORTING REQUIREMENTS.

SASKATCHEWAN IS MOVING TOWARD SPECIALIZATION AND ARE ATTEMPTING TO SET UP A COMMERCIAL FRAUD UNIT THAT WOULD LOOK AFTER COMMERCIAL FRAUD PROSECUTIONS. HEAVY CONSPIRACIES AND OTHER SPECIAL PROSECUTIONS. ON THE OTHER HAND, EACH UNIT MAY DEVELOP SOME EXPERTISE WITHIN THE UNIT IN TERMS OF HANDLING JUVENILE PROSECUTIONS, COMMERCIAL FRAUD PROSECUTIONS AND SERIOUS CRIMINAL CODE PROSECUTIONS.

REVIEW OF CASE BACKLOG PROBLEMS

WORKING IN CONJUNCTION WITH THE PROVINCIAL COURT, THERE IS A DEFINITE ATTEMPT MADE TO MONITOR BACKLOGS IN PARTICULAR PROVINCIAL COURTS. THIS IS DONE FOR SEVERAL REASONS - TO DETERMINE THE CAUSE OF THE BACKLOG IS CERTAINLY THE PRIME OBJECTIVE AND ONCE THAT IS DETERMINED, THEN THE WORKING OUT OF A VIABLE SOLUTION TO DEAL WITH IT IS THE NEXT STEP. THIS HAS WORKED REASONABLY WELL WHEN DONE IN CONJUNCTION WITH THE PROVINCIAL COURT. THIS POSITION HAS BEEN ADOPTED WITH RESPECT TO THE SUPERIOR COURT AND THE DISTRICT COURT. RECENTLY, SEVERAL POLICY DECISIONS AND PRACTICE DECISIONS WERE MADE AND THE APPROPRIATE DIRECTIVES GIVEN AS A RESULT OF CONSULTATION WITH THE CHIEF JUSTICE OF THE COURT OF QUEEN'S BENCH AND AS A RESULT OF CONSULTATION WITH SENIOR DISTRICT COURT JUDGES.

REVIEW OF PROJECTS RELATING TO ESTABLISHING STANDARDS AND GUIDELINES

THERE ARE MEETINGS SEVERAL TIMES A YEAR TO CONSIDER CHANGES IN POLICY AND A STANDING COMMITTEE DEALS WITH SUGGESTED CHANGES IN POLICY AND MAKES RECOMMENDATIONS.

REVIEW OF NEW OR PROPOSED LEGISLATION

THIS TYPE OF REVIEW IS INVARIABLY DONE ALTHOUGH THERE IS NO PARTICULAR COMMITTEE. THE MATTERS AS THEY ARISE ARE ASSIGNED TO DIFFERENT COUNSEL IN THE PROSECUTORIAL SYSTEM WHO PREPARE A REPORT AND WILL MAKE RECOMMENDATIONS TO THE DEPARTMENT.

REVIEW OF MANAGEMENT STUDIES AND ANY PROPOSED RE-ORGANIZATION

THIS TYPE OF REVIEW DOES GO ON FROM TIME TO TIME AND WHEN SUCH A REVIEW IS NECESSARY A COMMITTEE IS STRUCK TO STUDY THE SYSTEM AND MAKE RECOMMENDATIONS WITH RESPECT TO RE-ORGANIZATION.

SPECIAL PROJECTS

ONE SPECIAL PROJECT GOING ON CURRENTLY IN SASKATCHEWAN IS THAT OF MEDIATION DIVERSION. THE OBJECT OF DIVERSION IS TO IDENTIFY THE PERSON AND THE CRIME AND THEN TO DETERMINE ON THE BASIS OF AN EXISTING CRITERIA WHETHER OR NOT THAT PERSON SHOULD GO THROUGH THE MEDIATION DIVERSION PROGRAM. IF THE ACCUSED IS A PROSPECT, HE IS DEFLECTED AND IF THE DEFLECTION IS SUCCESSFUL HE THEN MEDIATES WITH THE VICTIM AND A COMMUNITY MEDIATOR.

REVIEW OF TRAINING PROGRAMS

SASKATCHEWAN HAS AN IN-SERVICE TRAINING PROGRAM AND AS WELL ATTEMPTS TO SEND THE PROSECUTORS TO OUTSIDE SEMINARS.

SASKATCHEWAN IS ONE OF THE FOUNDING MEMBERS OF THE WESTERN CANADA CROWN SEMINAR. THIS SEMINAR IS RUN YEARLY AND FOR ONE WEEK, WHERE THE FUNDAMENTALS OF PROSECUTION ARE STUDIED AND AN EFFORT MADE TO ASSIST NEW PROSECUTORS WITH RESPECT TO THEIR DUTIES.

EXPENDITURES	FEDERAL ⁽¹⁾	PROVINCIAL	MUNICIPAL ⁽²⁾	TOTAL
Salaries and Benefits	\$ 67,610	\$ 716,687	\$ 485,000	\$ 1,269,297
Other Expenditures	12,000	554,913	N/A	566,913
Subtotal	79,610	1,271,600	485,000	1,836,210
Private Practice Lawyers (Ad Hoc/Agent) Fees and Disbursements	218,780	1,131,039	32,000	1,381,819
TOTAL	298,390	2,402,639	517,000	3,218,029
EXPENDITURES PER CAPITA	\$.32	\$2.55	\$.55	\$3.41
MANPOWER				
Staff Lawyers	2	22	7	31
Paralegals	-	-	-	-
Professionals	-	-	-	-
Clerical Support	2	13	14	29
TOTAL	4	35	21	60
NUMBER OF AD HOC COUNSEL (Private Practice Lawyers)	39	70	2	111

(1) Includes a portion of Ottawa Headquarters' personnel and expenditures prorated on the basis of expenditures in the Province or Territory.

(2) Includes expenditures and manpower for only those municipal prosecutors offices which handle Criminal Code cases.

TABLE

Distribution and Size of Crown Counsel Offices in 1977/78 - Saskatchewan
Provincial and Municipal Prosecutors' Offices (1)

LOCATIONS SERVED	
Number of Communities Where Criminal Courts Sit	116
Number of Communities Where Provincial Crown Has Fulltime Staff	6
Number of Municipal Crown Offices Conducting Criminal Code Prosecutions	2
SIZE OF CROWN COUNSEL OFFICES	
Provincial Headquarters - Supervisory Lawyers	2
- Appeals Lawyers	1
- Special Prosecutors	-
- Prosecutors	2
- Support Staff	9
TOTAL	14
Number of Local Crown Offices with --: 1 lawyer	1
(including Municipal Prosecutors) 2 - 4 lawyers	3
5 - 10	1
11 - 15	1
16 - 20	-
over 20	-

(1) Includes only those municipal prosecutors offices which handle Criminal Code matters.

MANITOBA

ORGANIZATION

MANITOBA ALSO APPOINTS CROWN COUNSEL FOR SPECIFIC GEOGRAPHICAL AREAS. THERE IS NO CENTRAL POOL OF CROWN COUNSEL FOR THE ENTIRE PROVINCE, AND PRACTISING LAWYERS ARE EMPLOYED AS AD HOC CROWN COUNSEL ON A VERY INFREQUENT BASIS.

MANITOBA HAS A CENTRAL POOL OF CROWN COUNSEL FOR SPECIFIC PROSECUTIONS, BUT NOT FOR PROVINCE-WIDE OFFENCES.

CROWN COUNSEL REPORT TO THE ATTORNEY GENERAL THROUGH THE DEPUTY ATTORNEY GENERAL, A DIRECTOR OF PUBLIC PROSECUTIONS, AND A SUPERVISORY CROWN ATTORNEY.

IN ADDITION TO THE ABOVE-MENTIONED PERSONS, THERE IS A SENIOR CROWN ATTORNEY FOR THE CITY OF WINNIPEG.

IN INDICTABLE APPEALS THE CROWN IS USUALLY REPRESENTED BY COUNSEL FROM A SEPARATE APPEAL SECTION. HOWEVER, OCCASIONALLY THE CROWN COUNSEL AT TRIAL WILL REPRESENT THE CROWN.

DISTRIBUTION OF MANPOWER AND SERVICES

MANITOBA HAS 34 CROWN COUNSEL LOCATED IN 7 OFFICES. THERE ARE 87 CRIMINAL COURT LOCATIONS THROUGHOUT THE PROVINCE. THE HEAD OFFICE IN WINNIPEG HAS 10 LAWYERS; MOST OF THE OTHER OFFICES HAVE 1.

MOST OF THE CRIMINAL PROSECUTIONS ARE HANDLED BY FULLTIME CROWN COUNSEL; AND ONLY 3 AD HOC LAWYER'S SERVICES WERE REQUIRED IN 1977.

EXPENDITURES	FEDERAL ⁽¹⁾	PROVINCIAL	MUNICIPAL ⁽²⁾	TOTAL
Salaries and Benefits	\$ 116,670	\$ 1,189,161		\$ 1,305,831
Other Expenditures	24,340	454,523		478,863
Subtotal	141,010	1,643,684		1,784,694
Private Practice Lawyers (Ad Hoc/Agent) Fees and Disbursements	2,230	16,892		19,122
TOTAL	143,240	1,660,576		1,803,816
EXPENDITURES PER CAPITA	\$.13	\$1.61		\$1.74
MANPOWER				
Staff Lawyers	4	36		40
Paralegals	-	-	-	-
Professionals	-	-	-	-
Clerical Support	3	21	-	24
TOTAL	7	57	-	64
NUMBER OF AD HOC COUNSEL (Private Practice Lawyers)	2	3	-	5

(1) Includes a portion of Ottawa Headquarters' personnel and expenditures prorated on the basis of expenditures in the Province or Territory.

(2) Includes expenditures and manpower for only those municipal prosecutors offices which handle Criminal Code cases.

TABLE

Distribution and Size of Crown Counsel Offices in 1977/78 - Manitoba
Provincial and Municipal Prosecutors' Offices (1)

LOCATIONS SERVED	
Number of Communities Where Criminal Courts Sit	62
Number of Communities Where Provincial Crown Has Fulltime Staff	7
Number of Municipal Crown Offices Conducting Criminal Code Prosecutions	-
SIZE OF CROWN COUNSEL OFFICES	
Provincial Headquarters - Supervisory Lawyers	1
- Appeals Lawyers	-
- Special Prosecutors	-
- Prosecutors	9
- Support Staff	8
TOTAL	18
Number of Local Crown Offices with --: 1 lawyer	5
(including Municipal Prosecutors) 2 - 4 lawyers	1
5 - 10	-
11 - 15	-
16 - 20	-
over 20	1

(1) Includes only those municipal prosecutors offices which handle Criminal Code matters.

ONTARIO

ORGANIZATION

ONTARIO APPOINTS CROWN COUNSEL FOR SPECIFIC GEOGRAPHICAL AREAS, AND HAS A CENTRAL POOL OF CROWN COUNSEL WHO CAN COVER THE ENTIRE PROVINCE. IN ADDITION TO FULLTIME CROWN COUNSEL, ONTARIO EMPLOYS PRACTISING LAWYERS AS AD HOC CROWN COUNSEL IN ADDITION TO THEIR REGULAR STAFF.

THE CENTRAL POOL OF CROWN COUNSEL IS USED FOR SPECIAL PROSECUTIONS AND PROVINCE-WIDE OFFENCES. CROWN COUNSEL IN ONTARIO ARE NOT TOTALLY AUTONOMOUS.

ORGANIZATIONALLY, THE CROWN ATTORNEYS REPORT TO THE ATTORNEY GENERAL THROUGH THE DEPUTY ATTORNEY GENERAL AND AN ASSISTANT DEPUTY ATTORNEY GENERAL AND DIRECTOR OF CRIMINAL LAW. CROWN ATTORNEYS REPORT TO THE DEPUTY DIRECTOR OF CRIMINAL LAW AND DIRECTOR OF CROWN ATTORNEYS. A CENTRAL POOL OF CROWN COUNSEL REPORT TO THE DIRECTOR OF CRIMINAL LAW THROUGH A DIRECTOR OF THE CROWN LAW OFFICE - CRIMINAL.

ALL INDICTABLE APPEALS ARE HANDLED BY COUNSEL FROM THE SEPARATE APPEAL SECTION.

DISTRIBUTION OF MANPOWER AND SERVICES

THERE ARE 53 PROVINCIAL PROSECUTORS' OFFICES IN ONTARIO WITH 209 FULLTIME CROWN COUNSEL AND 36 PARALEGAL STAFF. THE HEAD OFFICE IN TORONTO HAS 23 LAWYERS, HOWEVER MOST OF THE OFFICES HAVE LESS THAN 5 LAWYERS.

THE CRIMINAL COURT SITS IN 179 LOCATIONS THROUGHOUT THE PROVINCE. THERE WERE 364 AD HOC COUNSEL UTILIZED IN 1977, BUT THEIR SERVICES ACCOUNTED FOR LESS THAN 10% OF THE PROVINCIAL BUDGET FOR CRIMINAL PROSECUTIONS.

ONTARIOCROWN ATTORNEYS SYSTEMHISTORY

PROSECUTION AUTHORITY RESTED ORIGINALLY WITH THE ATTORNEY GENERAL AND HIS OFFICERS AT THE CAPITAL OF UPPER CANADA. AS THE POPULATION EXPANDED NUMERICALLY AND GEOGRAPHICALLY IT BECAME INCREASINGLY DIFFICULT TO CARRY OUT THIS RESPONSIBILITY FROM ONE CENTRAL OFFICE. IN 1857, AUTHORITY WAS GRANTED ONE CENTRAL OFFICE UNDER THE DIRECTION OF A CROWN ATTORNEY APPOINTED BY THE GOVERNOR. THE CROWN ATTORNEY WAS REQUIRED TO BE A RESIDENT OF THE COUNTY, AND AS SUCH WAS A PART OF THE LOCAL ADMINISTRATION OF JUSTICE WHICH INCLUDED THE LOCAL SHERIFF AND THE JURY MADE UP OF RESIDENTS OF THE AREA.

MODERNIZATION HAS STRENGTHENED THE RELATIONSHIP BETWEEN THE CROWN ATTORNEY, WITH HIS LOCAL RESPONSIBILITIES, AND THE ATTORNEY GENERAL, WHO IS RESPONSIBLE FOR THE ADMINISTRATION OF JUSTICE THROUGHOUT THE PROVINCE. IN 1955, THE OFFICE OF DIRECTOR OF PUBLIC PROSECUTIONS WAS CREATED TO CO-ORDINATE THE ACTIVITIES OF THE LOCAL CROWN ATTORNEYS. IN 1964, AUTHORITY WAS GIVEN FOR THE APPOINTMENT OF CROWN ATTORNEYS AT LARGE, TO ACT AS SPECIAL PROSECUTORS IN DIFFICULT OR SPECIALIZED CASES.

THE DESIRE FOR IMPROVED COMMUNICATION IN THE SYSTEM GAVE RISE IN 1966 TO THE CROWN ATTORNEYS ASSOCIATION, A VOLUNTARY GROUP OF CROWN ATTORNEYS AND THEIR ASSISTANTS WHO MEET TO DISCUSS COMMON PROBLEMS, CONDUCT SEMINARS TO KEEP PACE WITH THE CHANGES IN THE LAW, AND PROMOTE AN INTERCHANGE OF PERSONNEL TO DEAL WITH TEMPORARY ABSENCES OR UNUSUALLY BUSY TRIAL SCHEDULES.

COMPOSITION TODAY

THE DIVISION IS COMPOSED OF APPROXIMATELY 190 LAWYERS WHO SPECIALIZE IN THE CRIMINAL LAW. IN TORONTO, THE OFFICE OF THE DIRECTOR OF CROWN ATTORNEYS CONSISTS OF THE DIRECTOR, THE DEPUTY DIRECTOR AND TWO CROWN COUNSEL. ONE CROWN COUNSEL IS ASSIGNED REGULARLY TO THE LOCAL OFFICES REQUIRING TEMPORARY ASSISTANCE. THE OTHER COUNSEL IS DELEGATED ASSIGNMENTS BY THE DIRECTOR AND DEPUTY DIRECTOR. THERE ARE NINE REGIONAL CROWN ATTORNEYS, IN OFFICES THROUGHOUT THE PROVINCE. THE LARGEST LOCAL OFFICE IS IN THE JUDICIAL DISTRICT OF YORK, WHERE THE CROWN ATTORNEY IS ASSISTED BY FOUR DEPUTIES, A SENIOR ADVISORY ASSISTANT, AND 48 ASSISTANT CROWN ATTORNEYS. THE OTHER OFFICES HAVE STAFFS RANGING IN NUMBER FROM ONE TO 10 LAWYERS. FINALLY, THE CROWN ATTORNEYS IN THE DIVISION SUPERVISE PART-TIME ASSISTANTS, LOCAL LAWYERS THROUGHOUT THE PROVINCE WHO ARE ENGAGED ON A DAILY BASIS.

RESPONSIBILITIES

THE CROWN ATTORNEYS' SYSTEM IS RESPONSIBLE FOR THE CONDUCT IN ONTARIO OF PROSECUTIONS UNDER THE CRIMINAL CODE AND OTHER FEDERAL STATUTES SUCH AS THE LORD'S DAY ACT AND THE JUVENILE DELINQUENTS ACT. FROM TIME TO TIME CROWN ATTORNEYS ALSO CONDUCT PROSECUTIONS UNDER SUCH PROVINCIAL STATUTES AS THE HIGHWAY TRAFFIC ACT AND THE LIQUOR LICENCE ACT. CROWN ATTORNEYS AND THEIR ASSISTANTS EXERCISE THE ATTORNEY GENERAL'S DISCRETIONARY POWERS WITH RESPECT TO PROSECUTIONS. THEY CHOOSE THE APPROPRIATE CHARGES UPON WHICH TO PROCEED, CONSIDER THE RELEASE OF PRISONERS PENDING TRIAL, AND CONDUCT THE TRIAL CASES IN COURT.

CROWN ATTORNEYS ALSO SUPERVISE PRIVATE PROSECUTIONS AND INTERVENE IF THE INTERESTS OF THE COMMUNITY REQUIRE IT.

REGIONALIZATION

IN 1976 THE ATTORNEY GENERAL DESIGNATED NINE EXISTING CROWN ATTORNEYS AS REGIONAL CROWN ATTORNEYS, WHO ARE THE LOCAL REPRESENTATIVES OF THE DIRECTOR. THIS REGIONALIZATION PROGRAM ENABLES THE REGIONAL CROWN ATTORNEY TO BRING MATTERS OF REGIONAL CONCERN TO THE ATTENTION OF THE DIRECTOR, TO CONFER WITH OTHER CROWN ATTORNEYS WITHIN THEIR REGION, AND TO ATTEND REGULAR MEETINGS IN TORONTO WITH THE DIRECTOR, THE DEPUTY DIRECTOR AND, ON OCCASION, THE DEPUTY ATTORNEY GENERAL AND THE ATTORNEY GENERAL. THIS PROGRAM, APART FROM FACILITATING THE EXCHANGE OF INFORMATION AND REGULARIZING THE RELIEF SYSTEM CONCERNING OCCASIONAL SHORTAGES OF MANPOWER, HAS CONTRIBUTED SIGNIFICANTLY TO THE FURTHER PROMOTION OF UNIFORMITY OF SERVICES THROUGH THE APPLICATION OF POLICY DIRECTIVES THROUGHOUT THE CROWN ATTORNEYS SYSTEM. THE REGIONALIZATION PROGRAM HAS STRENGTHENED THE PRINCIPLE OF A UNIFORM ADMINISTRATION OF JUSTICE WITHOUT UNDERMINING THE SIGNIFICANT CONTRIBUTIONS LOCAL CROWN ATTORNEYS HAVE MADE AND WILL CONTINUE TO MAKE IN THE FUTURE.

ONTARIOSPECIAL TOPICSDECENTRALIZATION

IN 1977 THE ATTORNEY GENERAL ESTABLISHED A PROGRAM TO EXPAND AND DECENTRALIZE PROVINCIAL COURT FACILITIES IN METROPOLITAN TORONTO IN ORDER TO EXPEDITE THE JUDICIAL PROCESS BY AVOIDING UNNECESSARY DELAYS AND TO BRING THE COURT SYSTEM CLOSER TO THE PEOPLE. NEW COURT FACILITIES HAVE BEEN ESTABLISHED IN ETOBICOKE, NORTH YORK AND SCARBOROUGH, INVOLVING THE PLACEMENT OF APPROXIMATELY 246 PEOPLE, INCLUDING JUDGES, CROWN ATTORNEYS AND SUPPORT STAFF IN THESE FACILITIES. SOME OF THE STAFF FOR THE NEW CROWN ATTORNEYS' OFFICES HAVE BEEN TAKEN FROM THE EXISTING STAFF OF THE YORK CROWN ATTORNEY'S OFFICE. THE REMAINDER HAVE BEEN RECRUITED BY THE ASSIGNMENT OF ADDITIONAL COMPLEMENT. A DEPUTY CROWN ATTORNEY HAS BEEN APPOINTED IN EACH OF THE FOUR DIVISIONS TO DIRECT THE WORK OF THE ASSISTANT CROWN ATTORNEYS ASSIGNED TO HIS OFFICE.

THE DECENTRALIZATION PROGRAM WILL LESSEN PRESSURE AT THE OLD CITY HALL COURTS IN DOWNTOWN TORONTO, WHICH HAVE WITNESSED AN EXTRAORDINARY INCREASE IN THE CRIMINAL CASELOAD OF THE PROVINCIAL COURTS (CRIMINAL DIVISION). THE GROWING CASELOAD AND THE NATURE OF THE EXISTING FACILITIES MEANT THAT CERTAIN CATEGORIES OF CASES HAD BEEN MOVED FROM ONE COURT LOCATION TO ANOTHER. THIS PROGRAM WILL ENABLE MOST CASES TO BE HEARD IN THE AREA IN WHICH THEY ARISE.

DISCLOSURE

THE ATTORNEY GENERAL INSTITUTED, IN 1977, THROUGH THE REGIONAL CROWN ATTORNEYS, A SYSTEM OF PRE-TRIAL DISCLOSURE TO HELP OVERCOME THE PROBLEM OF PRE-TRIAL DELAYS. CROWN ATTORNEYS IN ONTARIO WERE DIRECTED TO INSTITUTE THE SYSTEM OF DISCLOSURE EFFECTIVE MAY 1, 1977. THE GUIDELINES ISSUED WERE DESIGNED TO REDUCE THE LENGTH OF PRELIMINARY HEARINGS WHILE RETAINING THE RIGHT OF THE CROWN AND DEFENCE TO FULL EXAMINATION-IN-CHIEF AND CROSS-EXAMINATION AT A PRELIMINARY HEARING IN APPROPRIATE CASES. THIS SYSTEM IS DESIGNED TO PROVIDE A GREATER DISCLOSURE TO THE DEFENCE, IN THE MAJORITY OF CASES, THAN ORDINARILY COULD BE ACHIEVED EVEN AFTER A FULL PRELIMINARY HEARING. THE SYSTEM DOES NOT REQUIRE THE INTERVENTION OF THE COURT AT THE PROVINCIAL COURT LEVEL BUT IS INTENDED TO ENHANCE THE EFFECTIVENESS OF ANY PRE-TRIAL CONFERENCES WHICH THE TRIAL COURTS MAY CONDUCT.

THE PROGRAM INITIALLY HAS BEEN IMPLEMENTED ON A LIMITED BASIS, COVERING ALL OFFENCES WHERE THE MAXIMUM PENALTY IS LIFE IMPRISONMENT, EXCEPT FOR THE OFFENCE OF BREAKING AND ENTERING A DWELLING HOUSE. THE PROGRAM IS BEING MONITORED BY MEANS OF A DISCLOSURE REPORT AND WHILE THE PRELIMINARY RESULTS HAVE BEEN MIXED, AN EFFORT IS BEING MADE TO ASSESS THE EFFECTIVENESS OF THE PROGRAM AND TO INTRODUCE ANY CHANGES WHICH MAY BE WARRANTED.

FRENCH LANGUAGE COURT SERVICES

THE ATTORNEY GENERAL HAS EXPRESSED TO THE LEGISLATURE HIS INTENTION TO CONTINUE THE EXPANSION OF FRENCH LANGUAGE SERVICES. AS A RESULT OF A DEVELOPMENTAL PROJECT BEGUN IN THE PROVINCIAL COURTS (CRIMINAL DIVISION) IN SUDBURY, FRENCH LANGUAGE SERVICES HAVE NOW BECOME PERMANENT IN THOSE PARTICULAR COURTS. FRENCH LANGUAGE COURTS BECAME AVAILABLE ON JUNE 6, 1977, IN THE JUDICIAL DISTRICT OF CARLETON, IN OTTAWA, AND THE UNITED COUNTIES OF PRESCOTT AND RUSSELL IN L'ORIGINAL. AN EXTENSION OF THIS SERVICE TO KAPUSKASING, HEARST, SMOOTH ROCK FALLS, COCHRANE AND HORNEPAYNE ALSO CAME INTO EFFECT IN 1977. FRENCH LANGUAGE COURT SERVICES NOW ARE AVAILABLE TO ABOUT 66% OF ONTARIO CITIZENS WHO SPEAK FRENCH ONLY. IN ADDITION, FRENCH LANGUAGE COURT SERVICES ARE AVAILABLE TO ABOUT 35% OF THE CITIZENS WHO SPEAK BOTH FRENCH AND ENGLISH.

FRENCH LANGUAGE INSTRUCTION HAS BEEN PROVIDED TO THE OTTAWA CROWN ATTORNEY'S OFFICE. AS A RESULT OF THIS PROGRAM TWO ASSISTANT CROWN ATTORNEYS IN OTTAWA ARE ABLE TO CONDUCT PROSECUTIONS IN FRENCH. STEPS ALSO ARE BEING TAKEN TO RECRUIT FRENCH SPEAKING PERSONNEL WHERE IT IS PRACTICABLE TO DO SO.

THE ATTORNEY GENERAL HAS ESTABLISHED A TASK FORCE WITHIN HIS MINISTRY TO EXPLORE FURTHER THE LEGAL AND ADMINISTRATIVE ISSUES INVOLVED IN EXPANDING FRENCH LANGUAGE SERVICES IN OUR COURTS.

DIVERSION

AN EXTENSIVE REPORT ON THE SUBJECT OF DIVERSION HAS BEEN PREPARED BY THE ATTORNEY GENERAL AND FORWARDED TO THE NATIONAL TASK FORCE ON THE ADMINISTRATION OF JUSTICE.

Not
true

?

EXPENDITURES	FEDERAL (1)	PROVINCIAL	MUNICIPAL (2)	TOTAL
Salaries and Benefits	\$ 1,021,030	\$ 9,848,900		\$ 10,869,930
Other Expenditures	168,570	1,622,500		1,791,070
Subtotal	1,189,600	11,471,400		12,661,000
Private Practice Lawyers (Ad Hoc/Agent) Fees and Disbursements	1,460,010	1,027,900		2,487,910
TOTAL	2,649,610	12,499,300		15,148,910
EXPENDITURES PER CAPITA	\$.31	\$1.48		\$1.80
MANPOWER				
Staff Lawyers	31	209		204
Paralegals	-	36		36
Professionals	-	-		-
Clerical Support	18	100		118
TOTAL	49	345		394
NUMBER OF AD HOC COUNSEL (Private Practice Lawyers)	250	364		614

(1) Includes a portion of Ottawa Headquarters' personnel and expenditures prorated on the basis of expenditures in the Province or Territory.
(2) Includes expenditures and manpower for only those municipal prosecutors offices which handle Criminal Code cases.

TABLE

Distribution and Size of Crown Counsel Offices in 1977/78 - Ontario
 Provincial and Municipal Prosecutors' Offices (1)

LOCATIONS SERVED	
Number of Communities Where Criminal Courts Sit	172
Number of Communities Where Provincial Crown Has Fulltime Staff	53
Number of Municipal Crown Offices Conducting Criminal Code Prosecutions	-
SIZE OF CROWN COUNSEL OFFICES	
Provincial Headquarters - Supervisory Lawyers	5
- Appeals Lawyers	18
- Special Prosecutors	-
- Prosecutors	-
- Support Staff	4
TOTAL	27
Number of Local Crown Offices with -:	21
(including Municipal Prosecutors) 1 lawyer	20
2 - 4 lawyers	10
5 - 10	1
11 - 15	-
16 - 20	1
over 20	

(1) Includes only those municipal prosecutors offices which handle Criminal Code matters.

QUEBEC

ORGANIZATION

THE PROVINCE OF QUEBEC APPOINTS CROWN COUNSEL FOR SPECIFIC GEOGRAPHICAL REGIONS AND SUPPLEMENTS THOSE CROWN COUNSEL BY EMPLOYING PRACTISING LAWYERS AS AD HOC CROWN COUNSEL.

QUEBEC, LIKE ONTARIO, HAS A CENTRAL POOL OF CROWN COUNSEL FOR SPECIAL PROSECUTIONS AND PROVINCE-WIDE OFFENCES. ALSO, THE CROWN COUNSEL IN QUEBEC ARE NOT TOTALLY AUTONOMOUS.

CROWN COUNSEL IN QUEBEC REPORT TO THE ATTORNEY GENERAL THROUGH THE DEPUTY ATTORNEY GENERAL, A DIRECTOR OF CROWN ATTORNEYS, AND A CHIEF OF CROWN ATTORNEYS. IN INDICTABLE APPEALS THE CROWN IS REPRESENTED BY CROWN COUNSEL AT TRIAL.

DISTRIBUTION OF MANPOWER AND SERVICES

THERE ARE 36 PROVINCIAL PROSECUTORS' OFFICES IN QUEBEC WITH 229 LAWYERS. 24 LAWYERS ARE AT THE HEAD OFFICE BUT 30 OF THE OFFICES HAVE LESS THAN 5 LAWYERS. THE PROVINCIAL CRIMINAL COURT SITS IN 44 LOCATIONS. VERY LITTLE USE IS MADE OF AD HOC COUNSEL.

THERE ARE 2 MUNICIPAL PROSECUTORS' OFFICES WHICH HANDLE CRIMINAL CODE CASES. THERE ARE 19 LAWYERS AND 5 SUPPORT STAFF AT THESE LOCATIONS.

EXPENDITURES	FEDERAL ⁽¹⁾	PROVINCIAL ⁽³⁾	MUNICIPAL ⁽²⁾	TOTAL
Salaries and Benefits	\$ 543,010	\$ 5,589,000	\$ 455,670	\$ 6,587,680
Other Expenditures	108,730	460,000	10,000	578,730
Subtotal	651,740	6,049,000	465,670	7,166,410
Private Practice Lawyers (Ad Hoc/Agent) Fees and Disbursements	1,241,270	200,000	-	1,441,270
TOTAL	1,893,010	6,249,000	465,670	8,607,680
EXPENDITURES PER CAPITA	\$.30	\$.99	\$.07	\$1.37
MANPOWER				
Staff Lawyers	16	194	19	229
Paralegals	-	-	-	-
Professionals	-	-	-	-
Clerical Support	11	270	5	286
TOTAL	27	464	24	515
NUMBER OF AD HOC COUNSEL (Private Practice Lawyers)	154	4	-	158

(1) Includes a portion of Ottawa Headquarters' personnel and expenditures prorated on the basis of expenditures in the Province or Territory.

(2) Includes expenditures and manpower for only those municipal prosecutors offices which handle Criminal Code cases.

(3) Includes both penal and criminal prosecutions.

Distribution and Size of Crown Counsel Offices in 1977/78 - Quebec
Provincial and Municipal Prosecutors' Offices (1)

LOCATIONS SERVED	
Number of Communities Where Criminal Courts Sit	44
Number of Communities Where Provincial Crown Has Fulltime Staff	36
Number of Municipal Crown Offices Conducting Criminal Code Prosecutions	2
SIZE OF CROWN COUNSEL OFFICES	
Provincial Headquarters - Supervisory Lawyers	20
- Appeals Lawyers	1
- Special Prosecutors	3
- Prosecutors	-
- Support Staff	56
TOTAL	80
Number of Local Crown Offices with --: 1 lawyer	13
(including Municipal Prosecutors) 2 - 4 lawyers	17
5 - 10	4
11 - 15	-
16 - 20	-
over 20	2

(1) Includes only those municipal prosecutors offices which handle Criminal Code matters.

NEW BRUNSWICK

ORGANIZATION

THE PROVINCE IS DIVIDED INTO EIGHT JUDICIAL DISTRICTS WHERE THE SUPREME AND COUNTY COURTS SIT. THESE DISTRICTS HAVE TWELVE CROWN PROSECUTOR OFFICES WHICH ARE RESPONSIBLE FOR ALL AREA CASES.

NEW BRUNSWICK HAS A CENTRAL POOL OF CROWN COUNSEL FOR SPECIAL PROSECUTIONS, BUT NOT FOR PROVINCE-WIDE OFFENCES.

CROWN COUNSEL ARE NOT TOTALLY AUTONOMOUS THEY REPORT TO THE ATTORNEY GENERAL THROUGH THE DEPUTY ATTORNEY GENERAL, AND A DIRECTOR OF PUBLIC PROSECUTIONS.

THE HEAD OFFICE AT FREDRICKTON IS RESPONSIBLE FOR COMMERCIAL CRIME CASES, ESOTERIC CASES, QUASI CRIMINAL OFFENCES, THE INDUSTRIAL SAFETY ACT, THE FIRE MARSHALL'S ACT ETC. THIS OFFICE IS ALSO USED AS COUNSEL IN MAJOR CASES.

IN INDICTABLE APPEALS THE CROWN IS REPRESENTED BY A CROWN COUNSEL AT TRIAL.

STAFF PROSECUTORS DO THE MAJORITY OF THE CASELOAD;
THERE ARE NO PARALEGALS.

NEW BRUNSWICK DID CARRY OUT AN AD HOC COUNSEL
STUDY WHICH INDICATED THAT OF THE TOTAL PUBLIC
PROSECUTIONS BUDGET IN 1970, 35% WAS SPENT ON
PART-TIME COUNSEL. IN 1977 THAT FIGURE WAS LESS
THAN 5%. THIS PROVINCE HAS DETERMINED THAT AD
HOC COUNSEL WOULD COST THREE TO FOUR TIMES MORE
THAN FULLTIME COUNSEL.

ALL CHARGES ARE DECIDED BY CROWN COUNSEL BUT LAID
BY POLICE. THERE IS NO DEFINITIVE POLICY
REGARDING DISCLOSURE AS THIS VARIES FROM AREA TO
AREA. GENERALLY DISCLOSURE IS GIVEN. DIVERSION
IS DONE AT THE INITIAL LEVEL BY POLICE BUT RARELY
BY PROSECUTORS.

NEW PROSECUTORS ARE TRAINED WITHIN THE MINISTRY
AND AT LEAST TWO MEETINGS ARE HELD ANNUALLY, EACH
YEAR ONE-THIRD TO ONE-HALF OF THE PROSECUTORS
ATTEND SPECIALIZED COURSES.

DISTRIBUTION OF MANPOWER AND SERVICES

NEW BRUNSWICK HAS 13 OFFICES WITH 34 LAWYERS. THE HEAD OFFICE IN FREDRICKTON HAS 4 CROWN COUNSEL, HOWEVER MOST OF THE OTHER OFFICES HAVE ONLY 1.

THE CRIMINAL COURT SITS IN 34 LOCATIONS THROUGHOUT THE PROVINCE. FULLTIME CROWN COUNSEL HANDLE ALMOST ALL OF THE CRIMINAL PROSECUTIONS.

EXPENDITURES	FEDERAL (1)	PROVINCIAL	MUNICIPAL (2)	TOTAL
Salaries and Benefits	\$ 9,670	\$ 874,100	\$	\$ 883,770
Other Expenditures	3,140	224,763		227,903
Subtotal	12,810	1,098,863		1,111,673
Private Practice Lawyers (Ad Hoc/Agent) Fees and Disbursements	247,560	27,017		274,577
TOTAL	260,370	1,125,880		1,386,250
EXPENDITURES PER CAPITA	\$.37	\$1.63		\$2.00
MANPOWER				
Staff Lawyers	.2	33		33.2
Paralegals	-	-		-
Professionals	-	-		-
Clerical Support	.2	9		9.2
TOTAL	.4	42		42.4
NUMBER OF AD HOC COUNSEL (Private Practice Lawyers)	52	16		68

(1) Includes a portion of Ottawa Headquarters' personnel and expenditures prorated on the basis of expenditures in the Province or Territory.

(2) Includes expenditures and manpower for only those municipal prosecutors offices which handle Criminal Code cases.

TABLE

Distribution and Size of Crown Counsel Offices in 1977/78 - New Brunswick
Provincial and Municipal Prosecutors' Offices (1)

LOCATIONS SERVED	
Number of Communities Where Criminal Courts Sit	34
Number of Communities Where Provincial Crown Has Fulltime Staff	13
Number of Municipal Crown Offices Conducting Criminal Code Prosecutions	-
SIZE OF CROWN COUNSEL OFFICES	
Provincial Headquarters - Supervisory Lawyers	1
- Appeals Lawyers	-
- Special Prosecutors	3
- Prosecutors	-
- Support Staff	1
TOTAL	5
Number of Local Crown Offices with -: 1 lawyer	4
(including Municipal Prosecutors) 2 - 4 lawyers	7
5 - 10	2
11 - 15	-
16 - 20	-
over 20	-

(1) Includes only those municipal prosecutors offices which handle Criminal Code matters.

NOVA SCOTIA

ORGANIZATION

NOVA SCOTIA APPOINTS CROWN COUNSEL FOR SPECIFIC GEOGRAPHIC AREAS, AS DO THE MAJORITY OF PROVINCES. THE APPOINTED CROWN COUNSEL ARE EITHER SUPPLEMENTED BY, OR REPLACED BY PRACTISING LAWYERS EMPLOYED AS AD HOC CROWN COUNSEL.

NOVA SCOTIA DOES NOT HAVE A CENTRAL POOL OF CROWN COUNSEL FOR SPECIAL PROSECUTIONS OR PROVINCE-WIDE OFFENCES.

CROWN COUNSEL REPORT TO THE ATTORNEY GENERAL THROUGH A DEPUTY ATTORNEY GENERAL, A DIRECTOR OF PUBLIC PROSECUTIONS, AND A SUPERVISORY CROWN ATTORNEY.

IN INDICTABLE APPEALS THE CROWN IS REPRESENTED BY COUNSEL FROM A SEPARATE APPEAL SECTION.

SPECIAL TOPICS

CROWN COUNSEL ARE APPOINTED UNDER THE PROSECUTING OFFICERS ACT WHICH REQUIRES THAT THERE BE A PROSECUTING OFFICER APPOINTED FOR EACH OF THE EIGHTEEN COUNTIES. THE ACT ALSO PROVIDES FOR THE APPOINTMENT OF ASSISTANT PROSECUTING OFFICERS, HOWEVER, THERE IS NO LIMIT ON THE NUMBER AND THE NUMBER IN EACH COUNTY IS DETERMINED BY THE NEED. ACTUALLY ONE PERSON MAY BE THE PROSECUTING OFFICER FOR MORE THAN ONE COUNTY. UNDER THE ACT THEY ARE TO REPRESENT THE ATTORNEY GENERAL IN ALL PROSECUTORIAL MATTERS. IN POINT OF FACT, EACH PROSECUTING OFFICER REPORTS DIRECTLY TO THE DIRECTOR (CRIMINAL) IN THE DEPARTMENT OF THE ATTORNEY GENERAL WHO HAS THE POWER TO OVERRULE ANY DECISION OF ANY PROSECUTING OFFICER.

MANY OF THE PROSECUTING OFFICERS ARE CIVIL SERVANTS, HOWEVER, A LARGE NUMBER ARE LAWYERS IN PRIVATE PRACTICE ON AN ANNUAL RETAINER TO PERFORM THE DUTY OF PROSECUTING OFFICER. IN ADDITION, A NUMBER OF THE ASSISTANT PROSECUTING OFFICERS ARE ON A DAILY BASIS SO THAT THEY MAY BE USED WHEN AND AS NEEDED.

TECHNICALLY THE POLICE ARE RESPONSIBLE FOR THE INVESTIGATION AND THE LAYING OF THE CHARGE AND IT IS THEN THE RESPONSIBILITY OF THE PROSECUTING OFFICER, AS REPRESENTATIVE OF THE ATTORNEY GENERAL TO DECIDE WHETHER THE CHARGE SHOULD BE PROCEEDED WITH. IN ACTUAL FACT, EXCEPT IN ROUTINE MATTERS THE POLICE CONSULT WITH THE PROSECUTOR AS TO THE CHARGE OR CHARGES TO BE LAID. IF IN FACT THERE SHOULD BE AN DISAGREEMENT BETWEEN THE PROSECUTOR AND THE POLICE AS TO THE CHARGES TO BE LAID THEN THE MATTER IS REFERRED TO THE DIRECTOR (CRIMINAL) WHO MAKES THE DECISION, HOWEVER, THIS RARELY OCCURS. IN THE LAYING AND PROCEEDING WITH CHARGES THE DEPARTMENT HAS DIRECTED THAT CHARGES ARE NOT TO BE LAID UNLESS THERE IS SUFFICIENT EVIDENCE FOR A PRIMA FACIE CASE AND THAT THERE IS NOT TO BE A MULTIPLICITY OF CHARGES ARISING OUT OF THE SAME EVENT, IN OTHER WORDS, THERE IS NOT TO BE A PILING ON OF CHARGES. IN ADDITION, THE GENERAL POLICY IS THAT THE CHARGE TO BE LAID IS THE MOST SERIOUS CHARGE THAT CAN BE SUPPORTED BY THE EVIDENCE. WHILE THERE IS NO PLEA BARGAINING AS SUCH THERE IS DESCRETION IN THE PROSECUTING OFFICER TO CHANGE THE CHARGE WHERE HE FEELS IT APPROPRIATE TO DO SO. ONCE THERE HAS BEEN A COMMITTAL FOR TRIAL OR THE MATTER HAS PROCEEDED TO TRIAL THERE IS TO BE NO CHANGE IN THE CHARGES UNLESS APPROVAL IS OBTAINED FROM THE DIRECTOR (CRIMINAL).

SCREENING OF CASES CAN ONLY BE SAID TO OCCUR TO THE EXTENT THAT THE MATTER IS CONSIDERED SERIOUS ENOUGH TO TAKE TO TRIAL AND THAT THERE IS EVIDENCE TO SUPPORT A PRIMA FACIE CASE. DIVERSION WOULD BE AT THE POLICE LEVEL AND THERE ARE NO STUDIES IN THIS PROVINCE.

BAIL IS A MATTER WITHIN THE DISCRETION OF THE PROSECUTOR IN CONSULTATION WITH THE POLICE.

THE USE OF THE DIRECT INDICTMENT IS RARE AND HAS ONLY BEEN USED IN EXCEPTIONAL CIRCUMSTANCES AND EACH MUST BE DECIDED BY THE ATTORNEY GENERAL WITH THE ADVICE OF THE DEPARTMENT AND PROSECUTOR. THE USE OF STAYS BY LAW REQUIRES THE CONSENT OF THE ATTORNEY GENERAL AND IN ACTUAL FACT THE CONSENT IS GIVEN BY THE DIRECTOR (CRIMINAL). WITHDRAWALS AND RELAYING OF INFORMATIONS IS DONE BY THE PROSECUTOR WHO DOES NOT CONTACT THE DEPARTMENT UNLESS HE FEELS THAT IT IS NECESSARY.

THE GENERAL POLICY OF THE DEPARTMENT IS THAT JUVENILES BE DEALT WITH IN FAMILY COURT AND IT WILL BE DECIDED ON THE FACTS AS TO WHETHER THE PROSECUTOR MAKES REPRESENTATIONS TO THE COURT TO HAVE THE MATTER RAISED TO ADULT COURT.

IN THE MATTER OF SENTENCING, THE POLICY OF THE DEPARTMENT IS THAT THE PROSECUTOR RECOMMEND THE FORM OF SENTENCING WHICH THE CROWN IS SEEKING BUT ONLY INDICATE IN GENERAL TERMS THE QUANTUM, FOR EXAMPLE, THAT THE TERM OF IMPRISONMENT BE ONE SERVED IN A PENITENTIARY AS OPPOSED TO A PRISON. OF COURSE IN MAKING REPRESENTATION TO SENTENCE THE PROSECUTING OFFICER WILL REFER THE COURT TO SENTENCES IMPOSED IN CASES OF A SIMILAR NATURE.

IN THE MATTER OF APPEALS THE PROSECUTING OFFICER RECOMMENDS TO THE DEPARTMENT ANY CASE WHICH HE FEELS SHOULD BE APPEALED AND IF THE DEPARTMENT AGREES THEN AN APPEAL CAN BE ENTERED. PROSECUTING OFFICERS HANDLE SUMMARY CONVICTION APPEALS BUT ALL APPEALS IN REGARD TO INDICTABLE OFFENCES ARE HANDLED WITHIN THE DEPARTMENT. IN ADDITION, THERE IS A GENERAL POLICY OF NOT APPEALING ANY MATTER UNLESS THERE IS A QUESTION OF LAW INVOLVED OR IT IS A MATTER OF SENTENCE.

BECAUSE OF THE SIZE OF THE PROSECUTOR'S OFFICES THERE IS NO DEGREE OF SPECIALIZATION EXCEPT IN THE HALIFAX OFFICE WHERE THE MORE SERIOUS CASES AND THE COMMERCIAL FRAUD CASES TEND TO BE HANDLED BY A LIMITED NUMBER OF THE SENIOR PROSECUTORS.

THERE IS A GENERAL POLICY THAT CASES WHERE THE ACCUSED IS IN CUSTODY BE DEALT WITH IN PRIORITY OVER OTHER CASES, HOWEVER, THE ACTUAL SCHEDULING OF TRIALS IS SOLELY WITHIN THE JURISDICTION OF THE COURTS.

DISTRIBUTION OF MANPOWER AND SERVICES

THERE ARE 14 PROVINCIAL PROSECUTORS' OFFICES IN NOVA SCOTIA WITH 29 FULLTIME CROWN COUNSEL. THE HEAD OFFICE IN HALIFAX HAS 2 LAWYERS BUT MOST OF THE OTHER OFFICES HAVE 1.

THE CRIMINAL COURT SITS IN 37 LOCATIONS THROUGHOUT THE PROVINCE AND THERE IS EXTENSIVE USE OF AD HOC COUNSEL.

EXPENDITURES	FEDERAL ⁽¹⁾	PROVINCIAL	MUNICIPAL ⁽²⁾	TOTAL
Salaries and Benefits	\$ 102,430	\$ 708,200		\$ 810,630
Other Expenditures	16,250	91,900		108,150
Subtotal	118,680	800,100		918,780
Private Practice Lawyers (Ad Hoc/Agent) Fees and Disbursements	149,520	45,000		194,520
TOTAL	268,200	845,100		1,113,300
EXPENDITURES PER CAPITA	\$.32	\$1.01		\$1.33
MANPOWER				
Staff Lawyers	2	27		29
Paralegals	-	-		-
Professionals	-	-		-
Clerical Support	2	10		12
TOTAL	4	37		41
NUMBER OF AD HOC COUNSEL (Private Practice Lawyers)	41	16		57

- (1) Includes a portion of Ottawa Headquarters' personnel and expenditures prorated on the basis of expenditures in the Province or Territory.
- (2) Includes expenditures and manpower for only those municipal prosecutors offices which handle Criminal Code cases.

TABLE

Distribution and Size of Crown Counsel Offices in 1977/78 - Nova Scotia
Provincial and Municipal Prosecutors' Offices (1)

LOCATIONS SERVED	
Number of Communities Where Criminal Courts Sit	37
Number of Communities Where Provincial Crown Has Fulltime Staff	14
Number of Municipal Crown Offices Conducting Criminal Code Prosecutions	-
SIZE OF CROWN COUNSEL OFFICES	
Provincial Headquarters - Supervisory Lawyers	1
- Appeals Lawyers	2
- Special Prosecutors	-
- Prosecutors	-
- Support Staff	2
TOTAL	5
Number of Local Crown Offices with -:	10
(including Municipal Prosecutors) 1 lawyer	
2 - 4 lawyers	3
5 - 10	1
11 - 15	-
16 - 20	-
over 20	-

(1) Includes only those municipal prosecutors offices which handle Criminal Code matters.

PRINCE EDWARD ISLAND

ORGANIZATION

PRINCE EDWARD ISLAND DOES NOT APPOINT CROWN COUNSEL FOR SPECIFIC GEOGRAPHICAL AREAS. PRINCE EDWARD ISLAND HAS THREE FULLTIME PROVINCIAL CROWN PROSECUTORS IN ONE CENTRAL POOL OPERATING FOR THE ENTIRE PROVINCE. THIS PROVINCE DOES SUPPLEMENT THE FULLTIME PROVINCIAL CROWN PROSECUTORS BY EMPLOYING PRACTISING LAWYERS AS AD HOC CROWN COUNSEL.

PRINCE EDWARD ISLAND DOES NOT HAVE A CENTRAL POOL, AS SUCH, FOR SPECIAL PROSECUTIONS OR PROVINCE-WIDE OFFENCES.

CROWN COUNSEL REPORT TO THE ATTORNEY GENERAL THROUGH THE DEPUTY ATTORNEY GENERAL, AND A DIRECTOR OF PUBLIC PROSECUTIONS. THIS IS IDENTICAL TO THE NEW BRUNSWICK AND THE MANITOBA SYSTEMS.

IN INDICTABLE APPEALS THE CROWN IS REPRESENTED BY CROWN COUNSEL AT TRIAL.

DISTRIBUTION OF MANPOWER AND SERVICES

PRINCE EDWARD ISLAND HAS 3 CROWN COUNSEL AND 2 SUPPORT STAFF LOCATED IN 2 OFFICES IN CHARLOTTETOWN. THE CRIMINAL COURT SITS IN 5 LOCATIONS.

USE OF AD HOC COUNSEL IS EXTENSIVE, ACCOUNTING FOR MORE THAN 20% OF THE PROVINCIAL EXPENDITURES FOR CRIMINAL PROSECUTIONS.

EXPENDITURES	FEDERAL ₍₁₎	PROVINCIAL	MUNICIPAL ₍₂₎	TOTAL
Salaries and Benefits	\$ 2,150	\$ 106,100		\$ 108,250
Other Expenditures	700	5,700		6,400
Subtotal	2,850	111,800		114,650
Private Practice Lawyers (Ad Hoc/Agent) Fees and Disbursements	58,270	32,285		90,555
TOTAL	61,120	144,085		205,205
EXPENDITURES PER CAPITA	\$.51	\$1.19		\$1.70
MANPOWER				
Staff Lawyers	0	3		3
Paralegals	-	-		-
Professionals	-	-		-
Clerical Support	.1	2		2.1
TOTAL	.1	5		5.1
NUMBER OF AD HOC COUNSEL (Private Practice Lawyers)	12	12		24

(1) Includes a portion of Ottawa Headquarters' personnel and expenditures prorated on the basis of expenditures in the Province or Territory.

(2) Includes expenditures and manpower for only those municipal prosecutors offices which handle Criminal Code cases.

TABLE

Distribution and Size of Crown Counsel Offices in 1977/78 - Prince Edward Island
Provincial and Municipal Prosecutors' Offices (1)

LOCATIONS SERVED	
Number of Communities Where Criminal Courts Sit	5
Number of Communities Where Provincial Crown Has Fulltime Staff	2
Number of Municipal Crown Offices Conducting Criminal Code Prosecutions	-
SIZE OF CROWN COUNSEL OFFICES	
Provincial Headquarters - Supervisory Lawyers	1
- Appeals Lawyers	-
- Special Prosecutors	-
- Prosecutors	2
- Support Staff	2
TOTAL	5
Number of Local Crown Offices with -:	1
(including Municipal Prosecutors) 2 - 4 lawyers	1
5 - 10	-
11 - 15	-
16 - 20	-
over 20	-

(1) Includes only those municipal prosecutors offices which handle Criminal Code matters.

NEWFOUNDLAND

ORGANIZATION

NEWFOUNDLAND APPOINTS CROWN COUNSEL FOR SPECIFIC GEOGRAPHIC REGIONS. IN ADDITION TO THE CROWN COUNSEL APPOINTED IN THE SPECIFIC GEOGRAPHIC AREAS, THERE IS A CENTRAL POOL OF CROWN COUNSEL FOR THE ENTIRE PROVINCE, AND PRACTISING LAWYERS ARE EMPLOYED AS AD HOC CROWN ATTORNEYS.

THE PROVINCE OF NEWFOUNDLAND DOES NOT HAVE A CENTRAL POOL OF CROWN COUSEL FOR SPECIAL PROSECUTIONS OR PROVINCE-WIDE OFFENCES.

NEWFOUNDLAND CROWN COUNSEL REPORT TO THE ATTORNEY GENERAL THROUGH THE DEPUTY ATTORNEY GENERAL, AND DIRECTOR OF PUBLIC PROSECUTIONS.

IN INDICTABLE APPEALS THE CROWN IS REPRESENTED BY THE CROWN COUNSEL AT TRIAL.

DISTRIBUTION OF MANPOWER AND SERVICES

THE CRIMINAL COURT OF NEWFOUNDLAND SITS IN 60 LOCATIONS THROUGHOUT THE PROVINCE. THERE ARE 9 FULLTIME CROWN COUNSEL, 8 OF WHICH ARE IN THE HEAD OFFICE AT ST. JOHN'S.

THE USE OF PROVINCIAL AD HOC COUNSEL IS MINIMAL.

EXPENDITURES	FEDERAL (1)	PROVINCIAL	MUNICIPAL (2)	TOTAL
Salaries and Benefits	\$ 8,240	\$ 346,518		\$ 354,758
Other Expenditures	2,670	263,968		266,638
Subtotal	10,910	610,486		621,396
Private Practice Lawyers (Ad Hoc/Agent) Fees and Disbursements	212,880	55,181		268,061
TOTAL	223,790	665,667		889,457
EXPENDITURES PER CAPITA	\$.40	\$1.18		\$1.57
MANPOWER				
Staff Lawyers	.2	8		8.2
Paralegals	-	-		-
Professionals	-	-		-
Clerical Support	.2	4		4.2
TOTAL	.4	12		12.4
NUMBER OF AD HOC COUNSEL (Private Practice Lawyers)	16	-		16

- (1) Includes a portion of Ottawa Headquarters' personnel and expenditures prorated on the basis of expenditures in the Province or Territory.
- (2) Includes expenditures and manpower for only those municipal prosecutors offices which handle Criminal Code cases.

TABLE

Distribution and Size of Crown Counsel Offices in 1977/78 - Newfoundland
Provincial and Municipal Prosecutors' Offices ⁽¹⁾

LOCATIONS SERVED	
Number of Communities Where Criminal Courts Sit	46
Number of Communities Where Provincial Crown Has Fulltime Staff	1
Number of Municipal Crown Offices Conducting Criminal Code Prosecutions	—
SIZE OF CROWN COUNSEL OFFICES	
Provincial Headquarters - Supervisory Lawyers	8
- Appeals Lawyers	—
- Special Prosecutors	—
- Prosecutors	—
- Support Staff	4
TOTAL	12
Number of Local Crown Offices with -:	
1 lawyer	—
(including Municipal Prosecutors) 2 - 4 lawyers	—
5 - 10	1
11 - 15	—
16 - 20	—
over 20	—

(1) Includes only those municipal prosecutors offices which handle Criminal Code matters.

NORTH WEST TERRITORIES

ORGANIZATION

FULLTIME CROWN COUNSEL ARE LOCATED IN YELLOWKNIFE AND HANDLE MOST OF THE CASES, WITH ASSISTANCE PROVIDED FROM A CENTRAL POOL IN OTTAWA.

WHEN COURT SITS OUTSIDE YELLOWKNIFE, THE CROWN COUNSEL TRAVEL WITH THE COURT TO THE LOCATION.

CROWN COUNSEL REPORT THROUGH THE DIRECTOR OF THE REGIONAL OFFICE IN YELLOWKNIFE TO THE DEPARTMENT OF JUSTICE IN OTTAWA.

USE OF AGENTS IS MINIMAL; (ONE OCCASION LAST YEAR)

EXPENDITURES	FEDERAL(1)	PROVINCIAL	MUNICIPAL(2)	TOTAL
Salaries and Benefits	\$ 221,250		\$	221,250
Other Expenditures	141,300			141,300
Subtotal	362,550			362,550
Private Practice Lawyers (Ad Hoc/Agent) Fees and Disbursements	N/A			N/A
TOTAL	362,550			362,550
EXPENDITURES PER CAPITA	\$8.30			\$8.30
MANPOWER				
Staff Lawyers	6			6
Paralegals	-			-
Professionals	-			-
Clerical Support	5			5
TOTAL	11			11
NUMBER OF AD HOC COUNSEL (Private Practice Lawyers)	N/A			N/A

(1) Includes a portion of Ottawa Headquarters' personnel and expenditures prorated on the basis of expenditures in the Province or Territory.
(2) Includes expenditures and manpower for only those municipal prosecutors offices which handle Criminal Code cases.

YUKON TERRITORY

ORGANIZATION

THE PROSECUTORIAL ROLE IS A FEDERAL RESPONSIBILITY AND THE CROWN COUNSEL IS RESPONSIBLE SOLELY TO THE ATTORNEY GENERAL OF CANADA.

THE OFFICE COMPRISES THREE LAWYERS AND TWO SUPPORT STAFF AND IS RESPONSIBLE FOR ALL PROSECUTIONS IN THE YUKON TERRITORY EXCLUDING LOCAL BY-LAWS. IN ADDITION, THIS OFFICE PERFORMS LIMITED REGIONAL OFFICE FUNCTIONS AND ASSISTS THE TERRITORIAL GOVERNMENT WITH MAINTENANCE, CHILD WELFARE AND CORONER'S MATTERS WHILE ON CIRCUIT. APPROXIMATELY 85% OF THE COURT WORKLOAD IS PROSECUTIONS UNDER THE CRIMINAL CODE AND TERRITORIAL ORDINANCES WITH DRUGS AND OTHER FEDERAL STATUTES MAKING UP THE REMAINDER. THE R.C.M.P. IS THE ONLY POLICE FORCE IN THE YUKON AND INVESTIGATES MOST OF THE CASES.

SPECIAL TOPICS

A REVIEW OF POLICIES, GUIDELINES, STUDIES AND PROJECTS ETC DOES NOT EXIST IN ANY FORMAL MANNER.

THIS OFFICE ESTABLISHES ITS OWN POLICIES AND GUIDELINES VIRTUALLY WITHOUT DIRECTION FROM OTTAWA UNLESS REQUESTED. DRUG PROSECUTIONS ARE THE EXCEPTION TO THIS SINCE NATIONAL POLICIES HAVE BEEN ESTABLISHED BY OTTAWA AND ARE FOLLOWED.

CHARGES AND NUMBER OF COUNTS ARE CHOSEN BY THE R.C.M.P. UNLESS THE MATTER IS BROUGHT TO THE ATTENTION OF THIS OFFICE. THIS IS ENCOURAGED IN ALL SERIOUS AND DIFFICULT CASES. THE DECISION TO CONSULT WITH THIS OFFICE RESTS WITH THE INVESTIGATOR. CHARGES ROUTINELY COME TO THIS OFFICE FOR SCREENING BEFORE FIRST APPEARANCE AND MAY BE ADJUSTED BEFORE PROCEEDING.

THE RELATIONSHIP TO THE POLICE OF NECESSITY MUST BE A CLOSE DAY TO DAY WORKING RELATIONSHIP. PROSECUTORS ARE ENCOURAGED TO MAINTAIN THE MEASURE OF DETACHMENT NECESSARY TO EXERCISE THE ATTORNEY GENERAL'S FUNCTION.

CASES ARE FULLY DISCLOSED BEFOREHAND WITH THE EXCEPTION OF "CONFIDENTIAL INFORMATION". FILES ARE OFTEN PHOTOCOPIED IN TOTAL.

BY VIRTUE OF RECENT COURT OF APPEAL DECISIONS,
DIVERSION HAS NOT BEEN ATTEMPTED IN THE YUKON.

BAIL PROVISIONS ARE LIBERALLY CONSTRUED UNLESS
THE ACCUSED IS NOT FROM THE YUKON.

STAYS AND WITHDRAWALS ARE FREQUENTLY USED, TO
DISPOSE OF OLD AND MINOR CASES HERE WITNESSES
HAVE DISAPPEARED, AS A RESULT OF PLEA BARGAINING,
OR WHERE TO PROCEED WOULD BE CONSIDERED UNFAIR IN
THE CIRCUMSTANCES. INFORMATIONS ARE RELAID
WHERE, THROUGH SCREENING, IT IS DETERMINED THAT
OTHER CHARGES ARE MORE APPROPRIATE.

SCHEDULING OF TRIALS IS DONE BY THE COURT AFTER
CONSULTING WITH COUNSEL AS TO AVAILABILITY.

SPEAKING TO SENTENCE IS ROUTINELY DONE ALTHOUGH
SPECIFIC PERIODS OF INCARCERATION ARE NOT RECOMMENDED.

APPEALS ARE DECIDED UPON BY THE CROWN ATTORNEY ON A
CASE BY CASE BASIS WITH THE DIFFICULTY OF GETTING
COURT OF APPEAL TIME AT VANCOUVER KEPT IN MIND. THE
COURT OF APPEAL SITS AT WHITEHORSE FOR ONE WEEK IN
JUNE; OTHERWISE A TRIP TO VANCOUVER IS NECESSARY.

THE THREE PROSECUTORS DETERMINE POLICIES TOGETHER AS NEEDED AND OTHERWISE HAVE FULL AUTONOMY. COURT CIRCUITS ARE DIVIDED GEOGRAPHICALLY SO THAT EACH PROSECUTOR HAS HIS OWN AREA OF RESPONSIBILITY. ALL CORRESPONDENCE IS DIRECTED TO THE PROSECUTOR RESPONSIBLE FOR THE AREA. DUE TO THE SMALL SIZE OF THE OFFICE, DECISIONS, POLICIES, ETC DEVELOP ALMOST BY A PROCESS OF OSMOSIS. THE MORE SERIOUS CHARGES ARE THE EXCEPTION AND ARE DEALT WITH BY THE CROWN ATTORNEY, (MURDER, MANSLAUGHTER).

AT THE PRESENT TIME, SPECIALIZATION IS ACCIDENTIAL. ALL OFFICERS ARE EXPECTED TO LEARN HOW TO DEAL WITH THE CASES WHICH ARISE. SPECIAL PROSECUTORS HAVE BEEN BROUGHT IN FOR CONSPIRACY TO TRAFFIC IN NARCOTICS AND GAMING HOUSE PROSECUTIONS. THE DEPARTMENT IS AVAILABLE TO DRAW UPON SPECIALIZED PERSONNEL.

JUVENILE CASES HAVE BEEN LARGELY AVOIDED BY THIS OFFICE UNLESS REQUESTED BY THE R.C.M.P. OR THE COURT. THE APPROACH HAS BEEN TO ALLOW JUVENILE CHARGES TO BE DEALT WITH AS PROBLEMS BETWEEN THE INDIVIDUAL, HIS FAMILY AND THE COMMUNITY. LAWYERS, BOTH PROSECUTION AND DEFENCE HAVE BEEN DISCOURAGED BY THE COURTS.

CASES ARE GIVEN PRIORITY ACCORDING TO SERIOUSNESS AND AVAILABILITY. THE MAGISTRATE HAS A WORKING RULE THAT PRELIMINARYS WILL BE COMPLETE WITHIN TWO MONTHS FROM DATE OF CHARGE AND TRIALS WITHIN THREE MONTHS..

THE DEPARTMENT OF JUSTICE IN OTTAWA LOOKS AFTER MUCH OF THE FINANCIAL AND ADMINISTRATIVE DETAILS FOR THIS OFFICE. THE REGIONAL OFFICES OF JUSTICE ARE ALSO AVAILABLE TO PROVIDE ADDITIONAL PROSECUTORS ON AN AD HOC BASIS AT NO COST TO THIS OFFICE, AND DO SO WITH REGULARITY. SEMINARS AND EDUCATIONAL PROGRAMS ARE ALSO AVAILABLE AT NO EXPENSE.

THE COURT SYSTEM DOES NOT HAVE A COUNTY OR DISTRICT COURT LEVEL. JUSTICES OF THE PEACE DO MORE WORK AT THE LOCAL LEVELS THAN IS USUAL IN THE PROVINCES. THE MAGISTRATE'S COURT TRAVELS ON CIRCUIT TO EACH OUTLYING COMMUNITY, ROUGHLY EVERY TWO MONTHS OR AS REQUESTED. THE SUPREME COURT SITS IN WHITEHORSE ONLY.

THIS OFFICE DOES ALL TRIALS PLUS APPEALS BOTH OF SUMMARY MATTERS TO THE SUPREME COURT AND INDICTABLE MATTERS TO THE COURT OF APPEAL WHICH SITS EITHER IN VANCOUVER OR WHITEHORSE. THE RCMP ARE ON OCCASION PRESSED INTO REPRESENTING THE CROWN BEFORE J.P.s, IN JUVENILE COURT, AND AT CORONER'S INQUESTS. THIS IS KEPT TO A MINIMUM.

EXPENDITURES	FEDERAL ⁽¹⁾	PROVINCIAL	MUNICIPAL ⁽²⁾	TOTAL
Salaries and Benefits	\$ 73,380			\$ 73,380
Other Expenditures	25,460			25,460
Subtotal	98,840			98,840
Private Practice Lawyers (Ad Hoc/Agent) Fees and Disbursements	560			560
TOTAL	99,400			99,400
EXPENDITURES PER CAPITA	\$4.65			\$4.65
MANPOWER				
Staff Lawyers	2			2
Paralegals	-			-
Professionals	-			-
Clerical Support	1.1			1.1
TOTAL	3.1			3.1
NUMBER OF AD HOC COUNSEL (Private Practice Lawyers)	1			1

(1) Includes a portion of Ottawa Headquarters' personnel and expenditures prorated on the basis of expenditures in the Province or Territory.

(2) Includes expenditures and manpower for only those municipal prosecutors offices which handle Criminal Code cases.

